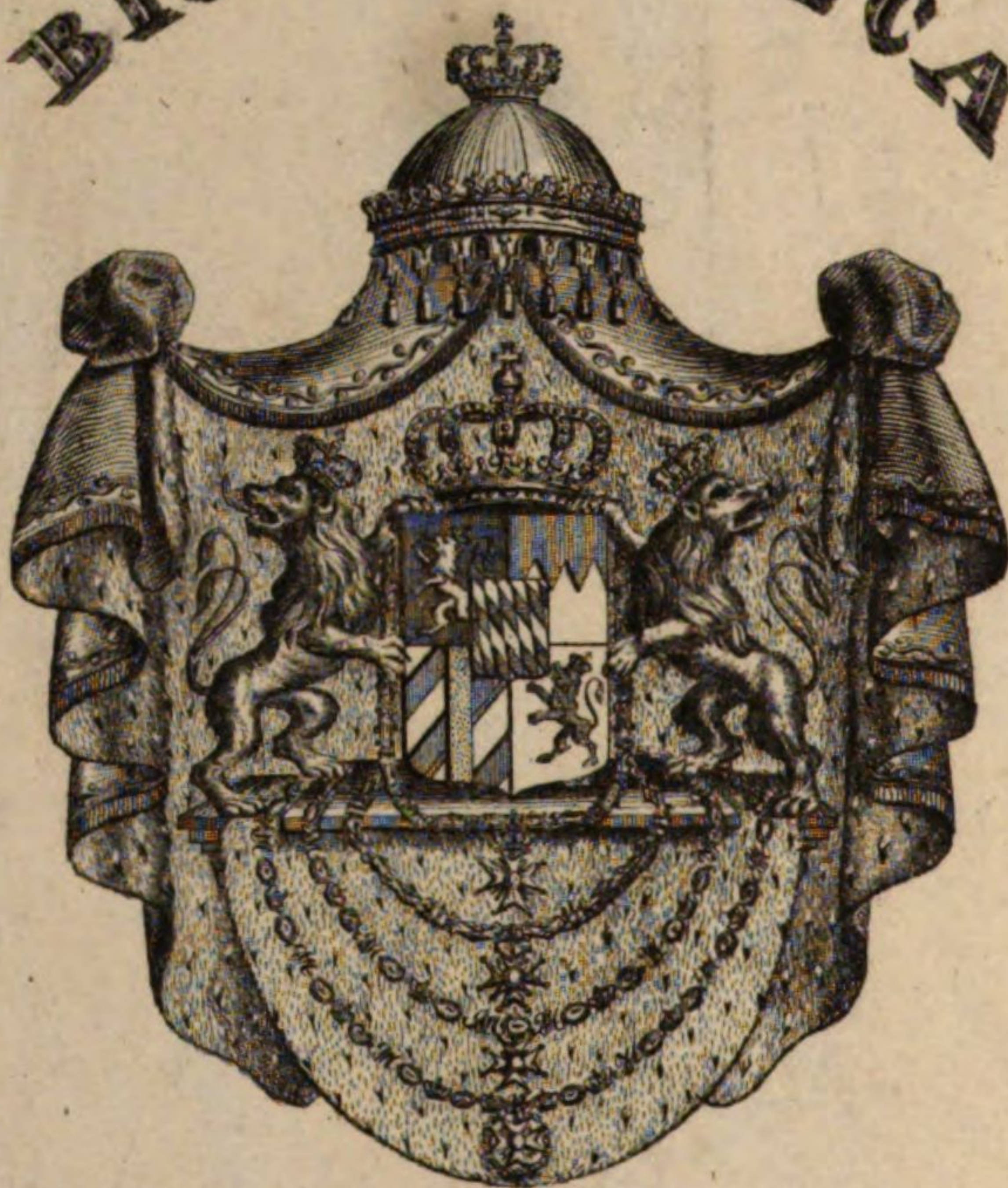


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THE
HISTORY
OF
SCOTLAND,

TRANSLATED FROM THE LATIN

OF

GEORGE BUCHANAN;

WITH NOTES,

AND

A CONTINUATION TO THE PRESENT TIME.

A NEW EDITION,

IN SIX VOLUMES.

By JAMES AIKMAN, Esq.

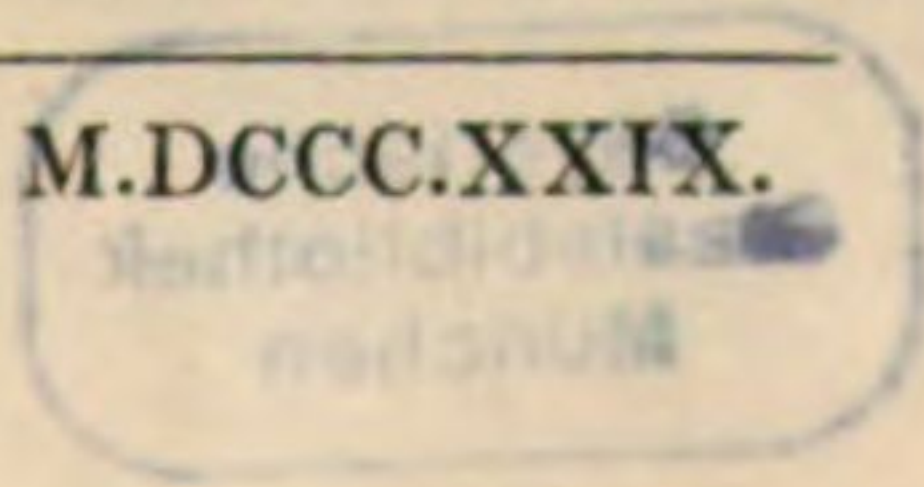
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OF
THE
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Book 7/8

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THE
HISTORY OF SCOTLAND.

Book XVII.

Charles II.—Reward offered for discovering the murderers of Archbishop Sharpe.—Proclamation against Conventicles.—Covenanters determine on offensive measures.—Proceedings at Rutherglen.—Victorious at Drumclog.—Repulsed in an attack upon Glasgow.—Duke of Monmouth takes the command of the army against them.—Battle of Bothwell Bridge.—His humanity to the prisoners.—Publishes an Indemnity.—Covenanters' supplication and his answer. Scottish lords impeach Lauderdale.—He receives a plenary pardon.—The King's reception of Monmouth.—Grants an Indemnity and Indulgence.—Trial and Execution of King and Kid.—Bond of peace.—Prisoners taken at Bothwell shipped for America; wrecked at the Orkney Islands.—Violent proceedings in the south and west.—Court of Justiciary.—State of parties in England.—Sudden illness of the King.—Duke of York recalled.—Monmouth sent into exile.—Duke of York arrives at Edinburgh.—The object of his visit.—Recalled.—Persecution of the non-compliers with the Bond.—Declaration and Testimony affixed to Sanquhar Cross.—Affair of Airds Moss.—Execution of Hackston of Rathillet.—Cargil excommunicates the King, &c. at Torwood.—Duke of York returns to Scotland.—Pretended plot against his life.—Execution of Mr. James Skene.—Students burn the Pope's effigy at Edinburgh.—Provost's house at Priestfield burnt.—Execution of Isobel Alison and Marion Harvey.—Of Cargil and Smith.—Gibbites; their Principles.—State of the country.—Parliament.—Act securing the presbyterian religion.—The succession.—Test act.—Act respecting public Creditors.—Test act enforced.—Earl of Argyle takes it with an explanation.—Discharged from all his Offices.—His trial.—He escapes.—Sentence passed against him in absence.—Distressed state of the Covenanters.—Meeting at Logan House.—Their Declaration.—They burn the Test at Lanark.—Privy Council burn the Solemn League and Covenant.—Duke of York's last visit.—Meeting of Covenanters at Tweedsmuir.—Case of Hume of Hume.—Of James Robertson, a pedlar.—Of William Cochrane.—Death of Lauderdale.—Hatton [Earl of Lauderdale] turned out of all his offices.—Case of Sir John Dalrymple.—Of Andrew Herron.—

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BOOK
XVII.
1679.
Charles II.

Reward offered for
discovering
Sharpe's
murderers.

I. EAGER to catch hold of whatever might tend to justify their outrageous proceedings, the privy council, imputing the death of Sharpe to the whole body of the whigs, resorted themselves to measures equally indefensible, and exhibited the example of an infuriated government, pursuing not the ends of justice, but breathing out the purposes of revenge; less anxious to bring the actual perpetrators of the deed to punishment, than to involve a large proportion of the people in its guilt. A furious proclamation was immediately issued for the discovery of the murderers. Forgetful of the number of ministers they themselves had immolated by the perversion of justice—a crime far more dangerous, cowardly, and detestable than even that of assassination—they denominated the parricide—as they styled it—of the archbishop, a cruelty exceeding the barbarity of pagans and heathens, amongst whom the officers and ministers of religion are reported to be sacred; and assumed that the repetition of similar attempts were daily to be expected whilst field conventicles, those rendezvouses of rebellion and forges of all bloody and jesuitical principles, continued to be frequented and followed. Ten thousand merks were offered to any person or persons who could “effectuate the apprehension of the assassinatees;” pardon and reward to any individual among themselves who would discover their associates. But the allurements were useless.

II. An order was published [May 8th,] to prohibit to the lieges the use or the possession of arms, and authorizing magistrates to seize all persons who, according to the custom of

the times, carried weapons, except noblemen, landed gentlemen, their children and servants. The most atrocious act of the time, however, was a proclamation against conventicles, which had not the death of archbishop Sharpe as an excuse; but as it originated with the primate himself, was generally called his legacy, and may be considered an *ex post facto* justification of the event, as it was an open avowal of his determination to encourage and legalize indiscriminating murder, and exterminating warfare with the covenanters. It commanded the strict enforcement of all the existing laws against these meetings, which hitherto, from their excessive severity, had been but partially executed; and besides calling upon the civil magistrate to inflict upon the armed attenders of field preachings the pains of treason, conferred judiciary powers upon all military officers, and authorized them to proceed in a more summary manner.

BOOK
XVII.

1679.

Atrocious
proclama-
tion
against
conven-
ticles.

III. Accustomed as the council were to violations of all law, they had hesitated about this sanguinary edict, which gave to the meanest serjeant the power of life and death, and refused to admit it till sanctioned by the king. A draft was therefore sent to his majesty, who returned it with expressions of the highest satisfaction; and in a tone which, from any other quarter might have been deemed ironical, declared that he would maintain his authority, and countenance all their proceedings, notwithstanding the aspersions cast against them as contrary to reason and law. These violent proclamations had been projected by Sharpe, on purpose to crush entirely the conventicles; which, from the increasing vigilance of their persecutors, were forced to assume new shapes, and were becoming truly formidable, from being attended by numbers of the same persons, who, as they were intercommuned, had no security but by continuing in company, and coming with arms. An ambulatory camp was thus formed, which met statedly in places deemed the most secure, where they were joined by the unarmed inhabitants of the neighbourhood. As their motions were known from the intimations usually given at the conclusion of each meeting, their peregrinations, like the progress of the Israelites in the wilderness—to which they were not un-

Approved
by the
king.Conse-
quences of
these vio-
lent pro-
ceedings.

BOOK
XVII.

1679.

Offensive
measures.
determined
on.Hamilton
leader.

aptly compared—promised soon to produce a body of trained men, whose courage, when disciplined, would have probably anticipated the revolution. But these stated members, from their constant intercourse together, and their naturally dwelling—in their seclusion from other society,—upon the topics their persecutors forced incessantly upon their consideration, had their minds inflamed, and were inclined to go lengths which the rest of the presbyterians generally were not prepared to follow; they were exasperated against all who had accepted the indulgences or paid cess, and carried the doctrine of defence not merely the length of resisting an attack, but argued the propriety of preventing an assault by disabling an enemy.* Mr. Robert Hamilton brother of the laird of Preston, a conscientious but obstinate weak headed man, was the leader of the party.†

iv. For several weeks, the west had been in a state of agitation, fomented by the arrival among them of those concerned in the archbishop's death, who sought their personal security in the confusion of a general rising; and increased by the marching of troops, and the hostile activity produced by that event. The rigid whigs, who dreaded being dispersed, or falling before their enemies, determined to leave a testimony to the truth and cause they owned, and against the sins and defections of the times. Accordingly, Hamilton, accompanied by Mr. Douglas, a minister, and

* Woodrow, Appendix, vol. ii. No. XVI.

† It is not uncommon to excuse stubborn perverseness in a well-meaning man by saying he is conscientious, but a very weak and very positive man; a character which has done more mischief in the Christian world than any other description of professors, and one which ought to be resisted upon every the least deviation from propriety, common sense, or common charity. An unenlightened conscience, positive in prosecuting a wrong object, or even a good object in a wrong way, is a curse to a man's friends, and a nuisance in society.

Mr. Laing calls him one Hamilton a preacher,—a strange blunder; he was Robert Hamilton, brother to the laird of Preston, who, after the affair with captain Carstairs, went to the west country, and found refuge in the wandering conventicles among the other intercommuned persons. Mr. Laing, by following Burnet, falls into a very general mistake, which seems to have originated first with the prelatical party, and afterwards to have been adopted by the presbyterians, to excuse their own inactivity, viz. that the army of Bothwell consisted entirely of intercommuned persons. There were many such no doubt, but the majority were men who cherished the general principles of religious freedom, and only wished for a proper opportunity to assert them.

about eighty armed men, proceeded to the royal burgh of Rutherglen, about ten miles from Glasgow, upon the 29th of May, the anniversary of the Restoration; they extinguished the bonfires, burned the act rescissory, the act establishing prelacy, and the rest of the most obnoxious acts of parliaments and council; and after affixing a copy of their declaration unsubscribed, adhering to the solemn league and covenant, and the work of reformation, especially from 1648 to 1660, they retired towards Evandale and Newmills, near Loudon-hill, where Mr. Douglas was intimated to preach next Sabbath. So daring a transaction flew quickly through the country; the council were enraged, and their satellites were eager to avenge the affront; among the foremost, Grahame laird of Claverhouse, afterwards so notorious for his cruel cold-blooded assassinations,—then stationed at Glasgow, marched with three troops of horse and some foot towards Hamilton on the Saturday, where he surprised Mr. King, a minister, and about fourteen unarmed countrymen, who were waiting to attend the meeting next day.

BOOK
XVII.

1679.

Proceedings at
Rutherglen.Grahame
takes Mr.
King
prisoner.

v. Early on the sabbath morning, with wanton scorn, he tied the prisoners he had thus seized, two and two together, and drove them before him to hear, as he said, the sermon. Public worship was begun when their scouts informed the congregation of Claverhouse's approach, and the captivity of their brethren. Immediately all who had arms drew up, resolved to prevent the soldiers from dispersing the meeting, and if possible rescue Mr. King and his companions. When mustered, they amounted to about forty horse, and from one hundred and fifty to two hundred foot, raw and undisciplined, but keen and courageous, led on by Cleland,—who, after the Revolution, fell nobly at the head of the Cameronian regiment—Hamilton, Balfour, Rathillet, and John Nisbet of Hardhill. They came up with Grahame and his party at a place in the muir called Drumclog. Having received his first fire, they returned it gallantly, and instantly closed; the combat was short, but sharp and warm, and the soldiers, incapable of standing the unexpected shock, were soon thrown into complete confusion, and fled in the utmost disorder;

Proceeds
to disperse
a conven-
ticle.Affair of
Drumclog.

BOOK
XVII.

1679.

Mr. King
released.

Covenant-
ers repuls-
ed in an at-
tack on
Glasgow.

from thirty to forty were killed, several of the officers wounded, and a number of prisoners taken. Grahame had a horse shot under him, and narrowly escaped. The loss on the side of the countrymen was small, not exceeding two or three, and some four wounded. King and the others were relieved; and it is said the minister returned Grahame's morning jest by an equally cutting repartee, requesting him as he fled past, "to stay an' tak the afternoon's discourse along wi' him."*

vi. Encouraged by their success, and prevented from separating by the certainty of punishment, the victors proceeded in a body to Hamilton, where they rested for the night, and on Monday marched for Glasgow, their numbers increasing as they went; the news of their victory over Claverhouse preceding them on their route. Grahame himself had carried the intelligence to that city; and before the insurgents approached, the streets were barricaded with carts, deals, and whatever materials could be hastily collected. They entered the town in two divisions, the one by the Gallowgate, the other by the High Street, but after a long and fruitless attack upon the entrenchments, they were forced to retire to the country with some inconsiderable loss, whence, after challenging the soldiers to fight it fairly in the field, they marched back to Hamilton, less disheartened by the repulse than encouraged by the crowds who had joined.

vii. A number of the more substantial heritors and yeomanry from the south, Carrick, Kyle, Stirlingshire, and Lothian, attracted by the appearance of an army, and anxious to aid in asserting their oppressed rights, flocked to Hamilton, but ill armed, without officers, discipline, or ammunition; yet it is doubtful whether the whole assembled at one time ever exceeded four or five thousand, as the stragglers came and withdrew at pleasure. But the most untoward

* Wodrow, vol. ii. p. 46, *et seq.* Russell's Account, &c. p. 438. Nisbet's Mem. MS. son of John Nisbet, who was present at the meeting.

"That Mr. King was guarded on the left of the enemy by one officer and four dragoons, and the officers had orders to shoot Mr. King if they beat; and if the poor country people lost, all that were taken or should be taken prisoners were to be immediately hanged after the battle."—MSS. entitled *The Triumphant Rays of Divine Providence, &c. &c.*

1679.

Disunion
among the
chiefs

circumstance was their disunion. Hamilton, from his forwardness at Drumclog and other occasions, had assumed or been elected to a command, for which his want of military talents, and his incapacity to manage the tempers or gain the confidence of those under him, totally unfitted him; for instead of sinking lesser differences, when all was at stake, he insisted upon a public confession and enumeration of the defections of the church and the sins of the land, and particularly a decided testimony against the Indulgence, in which he was supported by Hackston, Balfour, and the ministers Douglas and Cargil. Nor could any exhortations to wait till a free parliament and general assembly were convened, nor the reproaches "that they appeared more taken up with other men's sins than their own," prevail to procure even the appearance of an accommodation, till some of the more moderate leaders proposed to withdraw. The narrow views of the party, fixed upon certain points with an intenseness which their peculiar situation inspired, rendered them incapable of relaxing;* and their most precious hours were wasted in violent debates and mutual irritation, instead of improving their discipline, or procuring ammunition, during nearly a month that they remained masters of the west country; and not only were they who were in arms hindered from acting with decision, but many who wished well to the cause, when they heard of the dissensions, were prevented from joining, and returned home when they were already on their way.

greatly
detriment-
to the
cause.

VIII. Upon receiving intelligence of the rising, the committee for public affairs immediately summoned a meeting of the privy council, by whom a proclamation was issued ordering the rebels to lay down their arms within twenty-four hours, and surrender themselves to the earl of Linlithgow, commander of the forces in the west, without any promise of indemnity, and under pain of being considered and pun-

Council or-
ders them
to lay
down their
arms un-
condition-
ally

* It must however be admitted, that in strict consistency of principle, those who deprecated the Indulgence were the most correct. Accepting it, was in fact giving up one of the leading features of the controversy; it was an acquiescence in the power of the magistrate to impose arbitrary and illegal restraints, or to dispense with them merely in virtue of his prerogative; and it is difficult to say whether the friends of that measure acted more wisely in pressing a positive acknowledgment of the king's authority.

BOOK
XVII.

1679.

King's
forces eva-
cuate Glas-
gow.

Reinforce-
ments sent
for from
England.

ished as incorrigible traitors in case of refusal. But as the oppression which had forced them to take arms was styled bountiful and clement, the proclamation offered little inducement to unconditional submission. Others immediately followed, appointing the militia to rendezvous, and commanding all heritors and freeholders to attend the king's host. Edinburgh and Leith were again ordered to be fortified, and the different ferries narrowly watched and guarded. While these vigorous preparations were going forward, the king's forces evacuated Glasgow, and marched eastward to Larbert-moor, where they were joined by the troops under the earl of Linlithgow. Alarmed by false or exaggerated reports of the army of the insurgents, his lordship despatched a messenger to the council, acquainting them with their formidable appearance, expressing his apprehensions of the dangerous consequences which might arise from rashly engaging "mad zealots" with unequal numbers, but at the same time offering either to give battle or retreat as they should judge best. The council deemed it most prudent for him to retire to cantonments round the capital till they should be in full force to crush the rebels, and sent off an express to Lauderdale to procure the assistance of regular regiments from England.

ix. Symptoms of strong and effectual opposition on the part of the English patriots to the measures of the court, had encouraged the leading Scottish malecontents, in the spring of the year, again to repair to London to lay their grievances at the foot of the throne; in the hopes that they might be able by their united efforts to procure the dismissal of Lauderdale, whose enormities they exposed in a paper which they widely circulated, entitled "Some particular matters of fact relating to the administration of affairs in Scotland." While their representations held up to the English nation a horrible picture of the efforts of despotic government, and kept alive in the statesmen a just dread of its introduction among themselves, the overwhelming clamour occasioned by the popish plot, had forced the duke of York to leave the country, and the king to introduce some of the most popular members of parliament into his council. At this juncture the insurrection of Bothwell unfortu-

nately broke out; the most influential characters in the country were absent, and the rising, aggravated as it was by the Scottish privy council, confirmed the statements of Lauderdale, and rendered abortive the efforts of his accusers. It was in vain that Hamilton and the Scottish lords offered to restore tranquillity without recourse to arms, provided only a little concession were made, and the authors of the troubles removed from the councils of his majesty. Charles would listen to no change which went to displace his devoted minister; and the only advantage they obtained was, that the duke of Monmouth, his favourite bastard, should be appointed general of the forces, with powers to act according to circumstances; his instructions were however afterwards altered, and he was strictly enjoined not to negotiate but to fight.

BOOK
XVII.1679.
Scottish
lords un-
successful
in their
application
to the king.Duke of
Monmouth
appointed
command-
er of the
forces.

x. On the 18th June Monmouth arrived at Edinburgh, where he was admitted a member of the privy council; next day he proceeded forward, and joined the army, which, having been reinforced by some regular troops from England, consisted of about ten thousand men. His appointment was by no means agreeable to the friends of Lauderdale, who displayed their dissatisfaction by the tardiness with which they forwarded his supplies; but his natural humanity took advantage of the circumstance to advance slowly against the insurgents, in order that they might have an opportunity of tendering their submission.

Arrives in
Scotland.

xi. Accounts of the duke's arrival had been sent to the insurgents, both from Edinburgh and the army, accompanied with the most urgent entreaties for them to make some attempt at an adjustment; and assurances—which were secretly understood to have his authority—were at the same time made, that they would find him inclined to be favourable. They as if no enemy had been near, continued their dissensions with as much violence as ever; nor was it till the king's army was in sight that they could agree to send any proposals. They were encamped on the south side of the Clyde, in a moor near Hamilton, and were only assailable by a very narrow bridge at Bothwell—the river not being fordable for a considerable way above it—where a few resolute men, well supported, might have stood the attacks of the

The cove-
nanters
urged to
negotiate
with him,Their
position.

BOOK
XVII.

1679.

His answer to
their petition.Their
reply.Gallant
defence of
the bridge
of Both-
well.Covenant-
ers com-
pletely
routed.

whole royal force. Early on the Sabbath morning [June 22] a few shots were exchanged between a picquet of the king, and the guard at the bridge, after which a petition was sent over to Monmouth, and a cessation took place for an hour. The duke received the messengers with great courtesy, but could then admit of no terms except unconditional surrender. He told them if they would come in the king's mercy they should be favourably dealt with. "Yes, and hang next," was the reply to this proposal.

xii. But although indisposed to submit, they were wholly unprepared to resist; there were no officers appointed, nor any measures for acting in concert adopted;—they were without ammunition, and without order. Upon the advance of the king's army, the few who kept the bridge defended it with spirit and resolution, till their ammunition was spent;* they even drove the enemy from their cannon, which they would have taken had they been at all supported; but the king's troops returning to the charge recovered their artillery, a few discharges of which forced the others to leave the bridge and their own pieces in possession of the enemy. They retired slowly, and in good order, towards the main body on the moor, after having forced Lord Livingston, who passed at the head of three hundred foot and a troop of horse, repeatedly to halt.

xiii. With their retreat every shadow of resistance ceased; the king's troops were permitted peaceably to form; and upon their first attack the undisciplined horse of the covenanters threw the foot into confusion, and the rout became instantaneous and complete. The pursuit was murderous, about four hundred being cut down; and the slaughter would have been still greater, had not Monmouth, when he saw the countrymen fairly dispersed, ordered the fugitives to be spared; twelve hundred surrendered at discretion, among whom were Messrs. King and Kid, minis-

* The honour of this defence is disputed; it is assigned to Hackston of Rathillet, by Wodrow, vol. ii. p. 66. Ure of Shargarton, in his narrative, claims it for himself; and Hamilton, in his notes, ascribes it to John Fowler, supposed to be the person afterwards killed at Airds Moss, p. 478. Hamilton, the nominal commander, to whose obstinacy the ruinous dissensions on the eve of battle must chiefly be attributed, does not appear to have taken any share in the action of the day.

ters, who were also preserved from massacre by his humanity. But their treatment by the inferior officers, to whose charge they were committed, was vindictive and severe; they were stripped almost naked, and ordered to lie prostrate on the ground; at the risk of their lives did they change their position; and some who ventured to raise themselves for a little ease, or to implore a draught of water, were instantly shot. They were then tied two and two, and driven to Edinburgh, exposed to the base and unmanly taunts of the servile and subdued part of the population, while the few who had the courage to own them in the day of disaster, were treated as equally guilty; and the women who with the characteristic fearless generosity of the sex, brought them refreshment, were insulted, the provisions destroyed, and the very water spilt in the act of being conveyed to the thirsty prisoners. Numbers of unarmed men, who were merely coming to hear sermon at the camp, were murdered in cold blood, and the stragglers in the neighbourhood were indiscriminately put to the sword. Proposals to sack Glasgow and Hamilton, and to lay waste the adjacent country, made to the general by the inhuman Claverhouse—who deeply felt and never forgave his disgrace at Drumclog—were rejected with indignation; but the western capital was forced to redeem itself from plunder, by surrendering to the town of Edinburgh a debt of thirty thousand merks they had upon the Canon Mills, which went to gratify the rapacity of the disappointed officers. Having received information from parties whom he had dispatched to Douglas and New Mills, that the insurgents were flying, scattered in small parties, Monmouth ordered the militia home, stopped the march of others coming to join him, and returned to Edinburgh, where, with a tenderness singular in these times, he procured surgeons to be sent to the sick and wounded prisoners.

Barbarous
treatment
of the pri-
soners, &c.

Mon-
mouth's
humanity.

XIV. The king, whose councils were constantly haunted with fears of conspiracies between the English and Scottish patriots, which, though unfounded, were the necessary accompaniments of a government like his, required the council to examine such of the leaders as they thought might be intrusted with the secret, and by offers of pardon attempt to

King's in-
structions.

BOOK
XVII.

1679.

Mon-
mouth's in-
demnity.Covenan-
ters sup-
plication to
him.

induce them to discover their foreign correspondents, or apply the torture, if they found it impossible to corrupt them; to inflict exemplary justice on the heritors, ministers, and principal ringleaders, transport three or four hundred of the common sort as slaves to the plantations, and set the rest at liberty upon their enacting themselves not to bear arms against his majesty, nor attend field conventicles, on pain of being treated as traitors, without further trial: *—but, at the same time, with a disgusting ostentatious affectation of clemency, suspended the execution of all acts and laws against such as attended house conventicles on the south side of the Tay, excepting the capital and two miles round it, the lordships of Musselburgh and Dalkeith, the cities of St. Andrews, Glasgow, and Stirling, and one mile round each. At the same time, Monmouth published an indemnity to all tenants, and sub-tenants who had been at Bothwell, and should surrender within a certain time; nor did the duke's generous efforts to relieve the country cease when his immediate connexion with it expired.

xv. Before he left Edinburgh the presbyterians presented to him an affecting supplication, entreating him to mediate with the king “for some ease and redress of their great grievances, the saddest and heaviest of which they alleged were unknown to his majesty. All nonconformist ministers, a very few excepted, were turned from their charges, dwellings, and livelihood, and exposed to long, severe, and expensive imprisonment, for no other cause than that they could not comply with prelacy; against which they were engaged under so many strong and high bonds, and found themselves under a constraint of preaching the gospel through an obligation from their office, without the least disrespect to his majesty's authority or laws. Other preachers, without trial, were denounced, intercommuned, confined, and banished; while the people, for only hearing, were, besides grievous imprisonment, pressed with exorbitant fines, and many sold as slaves to foreign lands, or to serve in the wars of the French king. All they asked was, that his majesty would grant them the liberty of preaching the gospel, and exercising church order among those of their

* Wodrow, vol. ii. p. 73.

own persuasion." The duke, who had witnessed the oppression of the people, and aware of the real nature of the ill-concerted insurrection, expressed himself to the petitioners perfectly satisfied with the loyalty of the nation; and added, "I think if any place get favour it should be Scotland."

BOOK
XVII.

1679.

His answer.

But before his arrival at court Scotland's malignant planet had prevailed, and the king had decided in favour of that administration whose measures Monmouth considered the origin of all the mischief, and which he was anxious to join in subverting, as well from personal and party interest, as from other motives.

XVI. Immediately before the close of that turbulent session of the English parliament, which he found so intractable, [July 8] Charles gave the Scottish lords an audience at Windsor castle, who assisted by two advocates, sir George Lockhart and sir John Cunninghame, impeached the duke of Lauderdale, and the articles were debated in the royal presence for eight hours, at two separate meetings, on the same day. The minister was accused of misrepresenting the state of the western counties to his majesty, and causing the embodying of the highland host—of introducing this army during profound peace, to plunder and live at free quarters upon the lieges, and of indulging his private animosities in their distribution—of requiring the subjects to subscribe exorbitant and illegal bonds for the performance of impossibilities—for charging such as refused with lawburrows—of imprisoning *indicta causa*, and of illegally incapacitating persons of all public trusts*—of imposing unreasonable fines, and placing garrisons in gentlemen's houses. They concluded with

Scottish
lords im-
peach
Lauder-
dale.

Charges.

* Never was there a fairer hit at any public man than at Lauderdale in this charge, "Concerning this new kind of punishment, your majesty may remember what complaints the duke of Lauderdale made, when, during the earl of Middleton's administration, he himself was put under an incapacity by an act of parliament. The words of his paper against the earl of Middleton are, *Incapacitating was to whip with scorpions, a punishment intended to rob men of their honour, and to lay a lasting stain upon them and their posterity, &c.* And if this was so complained of when done by the high court of parliament, your majesty may easily conclude it cannot be done by any lower court; but notwithstanding it has become of late years an ordinary sentence of council, when the least complaints are brought in against any with whom the duke of Lauderdale or his brother are offended."

BOOK
XVII.

1679.

Reply.

Arguments
of the
counsel.

further accusing him of breach * of public faith, monopolies, and bribery. The numerous acts of oppression supporting the general accusations were given in detail, nor was there any attempt made to deny or to disprove them. The only reply of that vile tool, sir George Mackenzie, king's advocate, was, by demanding, whether they meant to challenge the king's prerogative, whether he could not at pleasure introduce forces into disaffected counties, order persons to be apprehended upon suspicion, appoint public officers, and of course incapacitate them; or whether they would deny that, by their own acts, the parliament of Scotland had not intrusted him with a discretionary power? To such an argument, urged at such a time, it would have been dangerous to have opposed a negative. The lawyers wisely declined the contest about the extent, but argued that the counsel, Lauderdale's creature, had abused the prerogative in its application; to this the advocate replied with his usual sophistry, that to question the application was to question the king, and his council, who acted by his commission; that no judicatory was to give an account of the application of law, because the members were sworn to act according to their conscience—that they had done so—and to question this were to overturn the fundamentals of the government. Sir George Lockhart refused further reply, as the king had mingled in the discussion; and declared he would debate no more against persons that, for any thing he could see, would thereafter, be his judges.†

* They alluded rather unfortunately to the case of Mitchell; for Charles in his letter to the court of justiciary, was made to say "and particularly we thank you, for your proceedings against Mr. James Mitchell, that enemy of human society; those who lessen that crime, or insinuate any reproach against those interested in that process as judges or witnesses, being justly chargeable with the blood which they encourage to spill upon such occasions."

† Charles has always been called a polite man even by those who could discover no other praiseworthy quality in him. We know that he was a common swearer; and the usual conversation of his court, in which he excelled, would not now be tolerated in decent society. But Clarendon informs us he was a most tedious storyteller, and wore out all his courtiers with repeating the tale of his own escapes—no very polite trick. Upon one occasion he told Buckingham he cared no more for him than his dog. Dalrymple's Mem. vol. i. p.

1679.
The king's
conduct.

XVII. The English councillors who were present were convinced of the justice of the charges against Lauderdale; but the king treated the whole as malicious or slanderous, except that of incapacitating, into which he promised to inquire, and correct the abuse if it were one, according to the usual practice in former times. Yet in private he acknowledged that he thought Lauderdale had done many damnable things against his people, though, with the perverted judgment of a despot, he could not perceive that he had done any thing contrary to his interest. The complainers retired with the satisfaction of having attempted to do their duty, but they were deplorably mortified with the result; which called from Charles decided marks of disapprobation against "their presumption" in weakening his authority by taking upon them to be intercessors for the people; an usurpation he stigmatized as very factious and dangerous to his government, and which he would never endure for the future; and a distinct plenary pardon to Lauderdale and all concerned for every charge contained in the paper entitled "Some particular matters of fact, &c." formerly mentioned.

Reproves
the Scot-
tish lords.

Grants
Lauderdale
a plenary
pardon.

XVIII. Monmouth arrived during the conference, and was received with every outward mark of kindness by his father, who bestowed upon him the title of highness, as if he had been his legitimate son; but, at the same time, is said to have made a remark equally inconsistent with the dictates of humanity or the duty of a sovereign, had Charles been alive to either: "If I had been at Bothwell the government should not have had the trouble of prisoners."* He, however, upon the representations of the prince, and in some measure to lessen the odium attached to his decision in the case of Lauderdale, granted what was called an indemnity; but which, from the number of limitations it contained, and the revolutions which speedily took place in his council, was of service to few except the Scottish government themselves, and their agents, to whom indeed it granted a com-

His recep-
tion of
Monmouth.

An indem-
nity.

50. And when the laird of Macnaughton spoke in the debate on this occasion, the well-bred monarch complimented him with, "You are indeed a great lawyer, and a highlandman!" Wodrow, vol. ii. p. 107.

* Burnet vol. ii. p. 269. Cunningham, i. 44. Wodrow, vol. ii.

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XVII.

1679.
An indul-
gence.

plete security against any prosecutions which might at any time be brought forward for their delinquencies. A partial indulgence, too, was granted, but, from similar reasons, instead of being of use, it only increased the divisions among the presbyterians.

King and
Kid tried.

xix. Meanwhile the council in Edinburgh, freed from the restraint of Monmouth, indulged their antipathies in the prosecutions recommended in the king's letter:—Messrs. King and Kid were indicted before the court of justiciary, for having been with the rebels at Bothwell. Neither of them denied the fact of their “consociation” with the party; but King affirmed that his being there at first was not his voluntary act; that while with them he used every endeavour to induce them to return to obedience, and had seized the first opportunity he had of escaping before the battle. —Kid protested that in the simplicity of his heart he went to Hamilton, where he endeavoured to persuade the people to return to their obedience; that he was detained among the countrymen by force, but retired whenever he heard of his majesty's proclamation; and that after he was apprehended, he had got assurance of life from the lord-general; and both prayed that they might be allowed to have their exculpatory witnesses examined. Their confessions, however, extorted by torture, were deemed satisfactory evidence of their guilt; no alleviating circumstances were permitted to be proved, and they were both condemned to suffer.

Condemn-
ed.

Hanged.

xx. As if to explain the nature of the king's indemnity, it was proclaimed by the magistrates in their robes, with the shout of trumpets and amid the ringing of bells, from a scaffold erected at the cross of Edinburgh, in the forenoon of August 14th; and the bloody commentary was published in the afternoon, on another scaffold, at the same place where the two ministers were hanged, their heads and arms cut off by order, and affixed beside the withered remains of James Guthrie.

Five exe-
cuted at
Magus
Moor.

xxi. Five others from among the common prisoners were selected to appease the manes of Sharpe; and, although some of them had never been in Fife, and others declared that they had never to their knowledge ever seen a bishop, they were sent to be executed at Magus Moor,

and hung in chains at the spot where the primate was murdered. The twelve hundred prisoners who had been brought to town, were confined for five months, without covert, or shelter from the inclemency of the weather, in the Greyfriars' churchyard, their only allowance about four ounces of coarse bread per day, with ale, for which, however, water—probably the better beverage of the two—was substituted after the departure of the duke of Monmouth. Whatever little additional comfort any of their friends attempted to get conveyed to them, was intercepted by the sentries on station during the night: they were robbed not only of their cash, but of their wearing apparel and shoes; and if any of them dared to complain, their condition was rendered, if possible, more irksome by the threats and blows of the ruffian soldiers who guarded them, and who were certain of impunity, if not approbation, for any cruelty or insult they inflicted on the sufferers.*

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XVII.

1679.

Treatment
of the rest
of the pri-
soners.

XXII. Previously to Monmouth's departure, bonds of peace had been offered to the prisoners—excepting such as were destined to the gibbet, or slavery in the plantations—by which they were to engage themselves never to take arms or resist his majesty or any of his authorities; and it was intimated to such as accepted, that if they afterwards attended field meetings or conventicles, they would forfeit the benefit of the indemnity. Numbers of those to whom these bonds were offered at first, were induced, from a desire of escaping

Bond of
peaceaccepted
by some.

* Among the prisoners on this occasion was an ancestor of the writer of this history, James Nimmo, laird of Wardlaw and Crounerland, in the parish of Muiravonside, his maternal great grandfather. He was seized when walking unarmed upon the highway, in the county of Linlithgow, and although not at Bothwell, as his house was suspected to be a refuge for the persecuted, the trooper who took him tied him to his stirrup, and forced him to follow the speed of his horse. When crossing a burn on the road, he requested only to be allowed to take a little water to quench his thirst, a favour the fellow was granting his beast, and the soldier consented; but with a refinement of cruelty, when the honest man had filled his black bonnet, and was raising it to his head, he gave the animal a lash, who, giving a spring, the poor sufferer lost both his drink and his bonnet. On his arrival in Edinburgh he was put into the churchyard, but fortunately, one of the privy council, with whom he was acquainted, observed him, and gave an order for his release. He endured much spoliation and trouble, but died in peace; and left as a motto for his grave-stone, still legible, "For me to live is Christ, and to die is gain."

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1679.

Refused by
many.Those ship-
ped for the
plantationswrecked
at Orkney.

from their deplorable situation, to subscribe ; but when the subject was debated among the rest, they considered that by agreeing to these conditions, they condemned the conduct of their friends who had fallen, and gave their assent to the doctrine of passive obedience, and they hesitated ; and as some of the most zealous asserted that compliance was an approval of the tyranny in church and state with which the land was afflicted, and a denial of the cause for which they had risen, several hundreds determined to endure the utmost extremity rather than submit.

XXIII. This steadiness of principle, which their oppressors termed obstinacy, was punished by death or slavery ; but fortunate were those who perished by the hands of the common executioner. Upwards of two hundred and fifty were shipped in the end of the year at Leith, for the plantations, on board a small vessel incapable of accommodating one hundred, in which they were so closely stowed that they had no room almost to lie down ; and although many of them were, in consequence of the treatment they had before received, severely troubled with a flux, the healthy and the sick were crammed together in the hold ; and, in a state of almost intolerable suffocation, were not allowed water sufficient to quench the feverish thirst with which they were tormented. A violent tempest overtook them in the Orkneys on the 10th of December, when the prisoners requested to be put on shore, and sent to any prison till the weather became calm ; but the captain, in return, ordered the hatches to be nailed down upon them. At night the vessel drove from her anchors and struck upon a rock, when the sailors, regardless of the cries of the confined passengers, provided for their own safety, and would not even open the hatchway to allow the drowning sufferers a chance of escape, till one, more humane than his fellows, after the crew had got ashore, returned at the risk of his life, with an axe, and cutting through the deck, enabled about forty to get out alive ; the remainder were drowned in the hold of the vessel.

XXIV. Those who had been suffered on taking the bond to return to their homes, were not, however, permitted to remain unmolested ; the soldiers were sent to live at free quarters in the south and the west, and notwithstanding

the indemnity, were directed to search out such as had been at Bothwell, and harass them at discretion. In this duty they were ably seconded by the idle, the profligate, and the envious, who hated the exemplary conduct or successful industry of their neighbours; while the officers, who pocketed the proceeds, spoiled the estates of the suspected, drove off the cattle, and carried away the property of the more substantial heritors or tenantry. Grahame of Claverhouse, always conspicuous, here too particularly distinguished himself; and, in Galloway, the cruelties of which his troops were guilty, were not more wanton than disgusting. As a stimulant, and to reward the activity of their partisans, the king and council gifted the moveables of such as had been at Bothwell to individuals of the nobility and military, who were denominated DONATARS. These had each his particular parish, or sometimes the gift of several parishes conjoined; and they not only seized on the effects of such as had actually been at Bothwell, but likewise of all who were suspected of favouring, harbouring, or abetting them.

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XVII.

1679.

Violent
proceed-
ings in the
south and
west.Rapacity
of the do-
natars.

xxv. It would not be easy *a priori* to imagine any more ingenious method of pillaging a country; but legal acuteness, when perverted, has ever exhibited the most ruinous display of specious extortion; like the poor man that oppresseth the poor, it is as a sweeping rain that leaveth no food. The money from those who were actually in the rising, or who favoured it, not being sufficient to satisfy the rapacity of the council, they recurred to an obsolete law, which required the attendance of all the lieges in the king's host; and, under pretext of punishing disobedience to its enactments, they reaped from it a fruitful harvest of fines and confiscations; the king arrogating to himself the praise of clemency, because he allowed to be substituted the more gainful punishment of extortion for the old, but never inflicted, award of death.

A more
extensive
species of
plunder.

xxvi. The court of justiciary made sweeping circuits to complete the devastation. In order to accelerate their progress, the court separated into two divisions, one for the north, and the other for the south and west; and to prepare the business of the circuit, clerks were sent before to take precognitions, to select proper witnesses, receive in-

Circuit
courts of
justiciary.

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XVII.

1679.

formations respecting the estates of the suspected, to make inventories of their effects, and secure them for the treasury in case of conviction. In every parish the curates were diligent in starting the game; and so successful in making their points, that few or none who were in the most distant manner connected with the insurgents escaped having their names inserted in the roll for prosecution, unless they satisfied the informers or clerks by exorbitant compositions. The ostensible object of the circuits was to punish those who had not accepted of the indemnity, or who were excepted; and the general charges were, "being accessory to the murder of the archbishop of St. Andrews, resisting the king's forces at Drumclog, engaging with the rebels at Bothwell bridge, or Hamilton muir, and frequenting field conventicles." The judges set out upon their circuits with great pomp, all the nobility, marquises, earls, and barons, the lords spiritual, the gentry, and officers of the crown, were ordered to attend their courts; they were conveyed in grand parade from county to county, the principal person in each receiving and conducting them to the other.

Their pro-
cedure.

xxvii. Less attention was, however, paid by the justiciary lords to the criminality than to the wealth of the accused; the common people, who appeared and acknowledged their guilt, had the bond tendered to them, and were for the present dismissed; the heritors who appeared and pleaded not guilty, were imprisoned till they found security to answer at Edinburgh to the charges against them; all who did not appear were denounced fugitives, and proclaimed rebels. But the persecutions were comparatively mild, and the forfeitures were few, during the first year; from the unsettled state of the English cabinet, where, so long as the popular leaders retained any influence, the Scottish government was constrained to preserve some appearance of moderation.

State of
parties in
England.

xxviii. That council, however, had been forced upon Charles, it was never congenial to his feelings; he never trusted the members, and had adopted the suggestion of sir W. Temple merely as a temporary expedient to induce his parliament to grant him supplies; nor were the members united among themselves. Essex, Halifax, and Sunderland concurred with the king in supporting the right of

the duke of York, although a papist, to the succession, and would have agreed to restrictions on the prerogative, to secure the crown to the hereditary prince. Lords Shaftesbury and Russel opposed the limitations, and advocated the total exclusion of the duke, but from different motives. Shaftesbury, whose restless ambition looked solely to his own aggrandizement, flattered Monmouth with the hopes of the throne; the patriotic Russel wished only for security to the liberties and religion of his country, and was secretly attached to the prince of Orange, then justly considered the bulwark of freedom and the protestant cause.

xxix. Parties were thus situated, when an incident occurred which eventually broke up the cabinet, restored to the full latitude of power the friends of popery and despotism, and subjected Scotland to the horrors of an episcopalian persecution, equalled only by the cruelties of that religion of which it was intended to be the forerunner. The king was suddenly seized at Windsor with a severe fever and ague, which threatened his life; and the friends of York dreading the consequences if his brother should die while he was abroad, prevailed upon his majesty to send secretly for him. His arrival was fatal to the interest of Monmouth and the patriotic party; the nephew, dismissed from his post of captain-general, was sent into that exile from which his uncle had returned, and the temporary moderation of Charles' council vanished for ever. Not deeming it expedient that York should at this time remain at court, yet not considering it proper that the presumptive heir of the crown should continue in a foreign land, upon the suggestion of Tweeddale, who wished the removal of Lauderdale, it was determined that his royal highness should proceed to Brussels, fetch thence his duchess and the lady Anne, and retire to Scotland till more propitious times allowed his resuming his residence in the metropolis. To this arrangement the duke cheerfully acceded; he perceived an approaching storm at the next meeting of the English parliament, and uncertain how his claims to the succession, which had so narrowly escaped at the last discussion, might be carried in the next, he was anxious to secure a party in Scotland to aid his pre-

The king
taken sud-
denly ill.

York re-
called—
Monmouth
sent into
exile.

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XVII.

1679.

Duke of
York ar-
rives at Ed-
inburgh.

tensions, as at this period he seems to have placed his chief hopes of success upon force.*

xxx. When accounts reached Scotland of the disgrace of Monmouth, and the approaching visit of the duke of York, the privy council were highly elated; the absentees were immediately summoned to Edinburgh, in order to repair to the borders to receive his highness; and all the noblemen and gentlemen in the counties through which he was expected to pass, were ordered to hold themselves in readiness to do him honour, with the different sheriffs who were directed officially to attend. He arrived in Berwick upon the 21st of November, and proceeded in state to Edinburgh—lodging at Lethington by the way—which he reached on the twenty-fourth. Great preparations had been made for his entrance into the Scottish capital; he was conducted with regal pomp through the Water, then the Royal Gate; sixteen companies of train bands, in full uniform, were called out upon the occasion, and sixty men selected from them, accoutred and appareled in their best manner, were appointed his body guard. An entertainment was given by the magistrates, which, for extravagant waste in times of public bankruptcy and distress, may stand a comparison with any sumptuous exhibition of more modern date; it cost nearly thirteen hundred pounds sterling, an enormous sum in those days, and the then state of Scotland.†

Admitted
a privy
councillor.

xxxi. His royal highness was immediately admitted to act as a privy councillor, without being required to take any oath; the king desiring him alone to be exempted from any general test enacted by parliament, as an inherent privilege of the lawful son or brother of the monarch. Yet though his presence gave additional rigour to the violent measures of the prelatical party,‡ he did not publicly appear as a promoter of persecution; and during his short stay of three months, contrived so well to conceal the inflexible severity of his temper, that the general impression he left

* Dalrymple's *Memoirs*, vol. i. p. 276, *et seq.* and Appendix. *Life of James*, vol. i. p. 658. Rapin, vol. ii. book xxiii.

† Maitland's *History of Edinburgh*, p. 101.

‡ Wodrow, vol. ii. p. 110.

was rather favourable ; and had he never returned or reigned, it might have perhaps been matter of doubt whether the accusations of the presbyterian writers respecting his cruel intolerance had not been aspersions.

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1679.

xxxii. While he was present, however, several additional severities were adopted ; military commissions were directed to denounce such heritors as had been at Bothwell, and to call before them, or their deputed, the sheriffs, bailies of regalities, magistrates of burghs, ministers of parishes, or any persons capable of giving information, and examine them upon oath, with powers to imprison such witnesses as were refractory, and to enforce cautionary bonds for their appearance before the council, under “ reasonable penalties.”—A tremendous power to be intrusted to military men ! and one which they exercised with vexatious severity.

Military
commissions ap-
pointed—
their pow-
ers.

xxxiii. Early next year, [February 17,] the duke was recalled to court, and left Edinburgh with the strongest expressions of regard for the civility and kindness experienced by him during his abode ; promising that he would acquaint the king that he had in Scotland a loyal nobility and gentry, and a faithful council, and other judicatories ; but requested that the council would give a just representation of his conduct since his arrival among them. The Chancellor, in reply, expatiated upon the happiness his presence had diffused through the kingdom, and the obligations they were under to him for his advice and example ; concluding in the usual courtly strain, with an offer to venture their lives and fortunes in his service. The council, in a letter to the king, added—in terms as unmeasured as he could desire—their admiration of his proceedings during the short time of his sojourn with them, which they pronounced “ the most peaceable and serene part of their lives, and the happiest days they had ever seen, except his majesty’s miraculous restoration.” As his chief object in coming to Scotland had been to secure the military support of the country, he assiduously cultivated the affections of the highland chieftains, particularly those of the north, whose leanings were papistical ; and exerted himself successfully in healing their feuds.

1680.

Duke of
York re-
called.

Council’s
approbation
of his con-
duct.

The object
of his visit.

xxxiv. Little as the episcopalian party were disposed to

BOOK
XVII.

1680.

Persecu-
tion of the
non-com-
pliers with
the bond.Styled Ca-
meronians.Cargil and
Hall of
Haugh-
head im-
prisoned—
Cargil es-
capes—
Haugh-
head mor-
tally woun-
ded.Declara-
tion found
on him.Published
by govern-
ment.

exercise forbearance to any who bore the name of presbyterian, yet their fury was roused in proportion as those who professed, avowed, and acted up to their profession; while the more thorough-principled presbyterians, as naturally, the more they were persecuted, clung the more closely to the tenets for which they suffered. A few, or, as they styled themselves, a remnant, who separated from their complying brethren, were marked out as peculiar objects of vengeance. Hunted on the mountains, and excluded from the protection of the laws, they naturally turned their attention to the mutual obligations of magistrates and people, and the duty of yielding obedience to tyrants was the frequent subject of their discourses; but their preachers were now reduced to two, Cargil and Cameron, from the latter of whom the covenanters of this day derive the designation by which they are generally known.

xxxv. Few as they were, however, they determined to make a full and open confession and defence of the doctrines of the reformation; to protest against the infringement of their civil and religious liberties, and renounce formally that government which had broken every engagement, overturned the whole constitution of the country, and was only known by the evils it inflicted. Cargil, with Mr. Henry Hall of Haugh-head, being surprised at Queensferry, by the governor of Blackness castle, upon the information of the curates of Caridin and Borrowstouness, Hall, in generously aiding the escape of his minister, was himself mortally wounded; and upon his person was found the unfinished draught of a declaration, enumerating the oppressions under which they groaned, and rejecting Charles Stuart as king, for having changed the civil government into a despotism; and announcing their determination no more to commit the supreme power to any one single person or lineal successor, that kind being liable to most inconveniences, and aptest to degenerate into tyranny, but to adopt the civil and judicial law given by God to his people Israel. This rough sketch—the writer of which was never discovered, nor whether it was merely notes for private use—was immediately published, and the design of changing the form of government charged upon the whole party.

xxxvi. Cargil, after his escape, joined Mr. Richard Cameron, his brother, and their followers, in Ayrshire; these last drew up the form of a declaration and testimony, agreeable to what the afflicted state of the church and country appeared to require; and proceeding, in number about twenty persons armed, to Sanquhar, on June 22, published it, and affixed a copy to the cross. To this measure they were somewhat prematurely forced, by the universal representation given of them as republicans, by their adversaries, and they found themselves called upon to declare their adherence to the monarchical system of government acknowledged by the covenants; while they disowned Charles Stuart as their lawful sovereign—although descended, “as far as they knew,” from their ancient kings—for his perjury and breach of covenant, for his usurpation over the church, and his tyranny in the state, declared war against him and his supporters, and protested against the duke of York, as a papist, succeeding to the crown.

BOOK
XVII

1680.

Declara-
tion and
testimony
affixed to
the cross at
Sanquhar.

xxxvii. It is deserving of remark, that this declaration, which has been treated as outrageously extravagant, expresses precisely the same principles which eight years after were acted upon by a majority of the nation, and produced the glorious revolution. Nor can its effect upon the public mind be calculated, as it was by the ruling party themselves dispersed over the whole kingdom; and the truths which it contained must have made a very deep impression, although the number who in that dark and cloudy season had the courage to arm and defend them, rendered the policy of the proceeding at the time doubtful, because the hope of success seemed desperate.

Remarks.

xxxviii. Immediately upon receiving notice of this declaration, the council issued a proclamation, offering a reward for the apprehension of those concerned in the rebellious deed; and ordering all the inhabitants of the western districts, from sixteen years of age and upwards, to be examined upon oath respecting the time when they saw any of the proscribed, or if they knew of their lurking-places, under pain of being considered as equally guilty in case of concealment. Orders were at the same time despatched to

Reward of-
fered for
the appre-
hension of
those con-
cerned.Troops
sent in
search of
them.

BOOK
XVII.

1680.

Affair of
Airds
Moss.Camerons
killed—
Hackston
taken pri-
soner.Cruel
treatment
of Hack-
ston.Disowns
the autho-
rity of the
king,and of the
court.

Dalziel, to send out parties to scour the country, and secure the ringleaders.

xxxix. While these were actively patrolling the most obnoxious quarters, a large party of upwards of one hundred and twenty dragoons, led by Bruce of Earshall, surprised a party of the wanderers, consisting of about forty foot and twenty-six horse, headed by Hackston of Rathillet, with whom were the two Camerons, at a place called Airds Moss.

The persecuted, who knew they had no mercy to expect, drew up their horse at the entry to the moss, and, on the advance of the king's troops, boldly attempted to charge through them; but the foot being ill armed, and unable to support them, they were quickly surrounded, and, after a brave resistance, were all either killed on the spot, or wounded and taken. Cameron and his brother fell on the field, but Hackston, severely wounded and made prisoner, was reserved for a more cruel death, ignominious only to those who inflicted it. Richard Cameron's head and right hand were cut off and sent to Edinburgh, to be exhibited according to the custom of the times; but, with more than common barbarity, they were carried to his father in prison, who was tauntingly asked if he recognised them. "Oh yes!" said the venerable old man, weeping as he took them and kissed them, "they are my son's, my own dear son's;" then meekly added, "It is the Lord! good is the will of the Lord!"

xl. Hackston was carried, faint and bleeding, before Dalziel at Lanark, who, unmoved by his situation, threatened to roast him, because he deemed some of his answers unsatisfactory. With characteristic brutality, he ordered him to be put in irons, fastened to the floor, and refused even to allow his wounds to be dressed. On reaching the capital, he was carried in on horseback, with his face to the tail, his companions marching in front fastened to an iron goad. When brought before the council, he refused to acknowledge the authority of the king, as being in direct opposition to God, and theirs, as derived from him. His enfeebled state, which seemed unable to sustain, alone prevented the infliction of the torture; and he was remitted to the court of judicary, to undergo the mock form of a trial. Having de-

clined the jurisdiction of the court, he was found guilty as a matter of course; but his sentence and mode of execution had been previously determined by the council, and he was carried from the bar to the scaffold. No friend was permitted to attend him in his last moments, nor was he allowed to address the people.

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XVII.

1680.

Condemned.

XLII. He endured his punishment with unshrinking fortitude. His right hand was first cut off; and the executioner having been long in the operation, he calmly requested him to strike in the joint of the left. After both were amputated, he was drawn to the top of the gallows by a pulley, and, while yet alive, let down to within reach of the executioner, who tore his palpitating heart from his bosom, and threw it upon the scaffold. He then stuck it upon his knife, and exhibited it from different parts of the stage to the people, exclaiming, here is the heart of a traitor; after which, together with his bowels, it was thrown into a fire prepared for the purpose. His body was quartered, and the parts affixed at St. Andrews, Glasgow, Leith, and Burntisland. All the others taken were executed, and their heads exposed on the gates of the city; but Cameron and Rathillet's had the additional honour of being elevated upon higher spikes than the rest.*

His horrid
execution.

XLIII. Dispersed and dejected, all the presbyterian ministers had declined the perilous service of the field, and, excepting those who had left the country, they had, in one shape or other, receded from the covenant; and, had measures of more moderate severity been adopted, there seems little doubt but the generality would have complied, and probably with that race the profession would have been extinct in Scotland; but as their numbers diminished, the malignity of the persecutors increased, whose fury, as it became more concentrated, burned more intensely. Donald Cargil alone remained as the public representative of the cause of the covenant; and as the last weapon he could wield in its defence, he proceeded to take the extraordinary step of excommunicating the most notorious of those who had once espoused, but now apostatized not only from it, but from religion itself.

Covenant-
ers more
fiercely
persecuted.

* Wodrow, p. 123, *et seq.* Hind Let Loose. Cloud of Witnesses.

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XVII.

1680.
Donald
Cargil ex-
communi-
cates the
king, &c. at
Torwood.

After sermon at Torwood in Stirlingshire, about the latter end of September, he proceeded to pronounce sentence against the king, Lauderdale, Rothes, Dalziel, and the lord advocate, the whole of whom had most solemnly signed the national bonds, and were now the active persecutors of those who refused to abjure the same oaths, and as such were certainly justly liable to this discipline from the only remnant who held fast their profession; although perhaps it was carrying it rather far to include the dukes of York and Monmouth, neither of whom had ever joined the presbyterian church. Whatever may be thought now of the transaction, the impression it made at the time was deep and indelible, not only on those who outbraved the blast of persecution, but on those who more secretly cherished their dissatisfaction, and bent to the storm till the hour of effectual resistance arrived. It redoubled the rage of the apostates; yet it seems pretty well attested, that although they affected to despise the procedure, some of the boldest felt a superstitious dread of the effects of the transaction disturb their hours of revelry, and in their last moments aggravate the horrors of death.*

York openly
professes
popery.

XLIII. York had now publicly professed himself a papist, and the patriots in England had determined to bring in a bill for excluding him from the throne. In this they had strong expectations of succeeding; and, previously to the meeting of parliament, some of the leading lords went publicly to Westminster Hall, and at the bar of the king's bench presented a bill in form against his royal highness as a popish recusant. The ministry, who anticipated a severe strug-

* This singular sentence was in the following form: "I being a minister of Jesus Christ, and having authority and power from him, do in his name and by his spirit excommunicate, cast out of the true church, and deliver up to Satan, Charles Stuart, king, &c. 1st, For his high mocking of God, in that after he had acknowledged his own sins, his father's sins, and his mother's idolatry, yet had gone on more avowedly in the same than all before him. 2d, For his great perjury in breaking and burning the covenant. 3d, For his rescinding all laws for establishing the reformation, and enacting laws contrary thereunto. 4th, For commanding of armies to destroy the Lord's people. 5th, For his being an enemy to true protestants, and being a helper to the papists. 6th, For his granting remissions and pardons for murderers, which is in the power of no king to do, being expressly contrary to the law of God. 7th, For his adulteries and dissembling with God and man."

gle, and were apprehensive of the issue if the duke were permitted to remain in England, prevailed on the king before the session commenced, to require his return to Scotland, where he arrived with his duchess in the latter end of October.* He was received in the most flattering manner by the bishops and council, who, in a congratulatory letter to the king, assured him, that the respect and affection of the country was such for the royal brothers, that they "wanted nothing but occasion to hazard for them those lives and fortunes which they had made so sweet and secure." Scarcely was he landed in the country till he gave keen poignancy to the unintended irony of his friends.

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XVII.

1680.

He arrives
in Scot-
land.

XLIV. Lauderdale, who had hitherto managed Scottish affairs, having been incapable, through corpulence and the decay of his mental faculties, to execute longer the duties of his office, the secretaryship was transferred to the earl of Moray, and York took upon himself an active share in the government. Whether his mind had been exasperated at the treatment he had received in England, or whether he considered himself no longer under any necessity of temporizing in Scotland, and merely complied with the natural bent of his inclination, is of little consequence to determine: but the conduct he now pursued soon removed every favourable impression his former visit had made. A fictitious conspiracy against his life was immediately got up; and to extort a confession, Archibald Stewart of Borrowstouness, Robert Hamilton, the chamberlain's son of Kinneil, and John Spreul, apothecary in Glasgow, were put to the torture—this last twice successively—in presence of the duke himself, who contemplated the process as a curious experiment. The declaration at Sanquhar, and the Torwood excommunication were classed together; and renouncing allegiance to the existing tyranny was construed into an avowal and defence of the doctrine of assassination, and participation in the plot against York's life.†

Takes an
active share
in the go-
vernment.Pretended
plot against
his life.

* "The duke of York landed at Kirkaldie, 26th October, with his dutchess; thereafter he went to Lesly till the 29th; frae thence to Holyrood House, thence went and saw Edinburgh castle, where the great canon Mouns Meg, burst in her off-going, which was taken as a bad omen."—Fountainhall, Chron. Notes, p. 3.

† Wodrow, vol. ii. p. 145, *et seq.* Burnet, vol. ii. p. 424.

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1680.

Cameroni-
ans depre-
cate private
murder.Opinion re-
specting
Sharpe's
death a cri-
terion of
guilt.Execution
of Mr.
James
Skene.

XLV. Notwithstanding, the covenanters, or, as they were now styled, the Cameronians, strenuously deprecated the idea of king-killing or private murder, as papistical tenets; yet, as they contended that individuals in some extraordinary cases might be called to execute righteous judgment upon notorious offenders, who were placed beyond the reach of common justice, their principles were constantly and unblushingly perverted by their persecutors, who, assuming that Sharpe's death was murder, made the private opinions of the suspected on this point a criterion of guilt; and those who, although they would not previously have authorized the action, and were not disposed to commend it, but who yet hesitated to condemn it, were treated as participators in the plot; and during the subsequent administration of the duke—borrowing the custom of the inquisition—not actions alone, but opinions expressed under the severity of torture, or not denied, were deemed sufficient to infer capital punishment. Mr. James Skene, brother of the laird of Skene, Aberdeenshire, was the first who was executed for mere speculative treason;* but his murder was not suffered to remain long a solitary precedent.† He had committed no overt act; but being asked his opinion of the rising at Bothwell, he refused to call it rebellion; nor would he acknowledge the archbishop's death to be murder: he was not in the country, he said, at the time it was committed, and he could not judge of other men's actions by mere hearsay.

XLVI. Experience appears to have been totally lost on the race of the Stuarts. They confounded the divine inherent

* Wodrow, vol. ii. 145. Fountainhall, 4. Cloud of Witnesses.

† The Cameronians considered the declaration of war against the tyranny they had disowned, as necessary, to vindicate their repelling unjust violence, and to wipe away the aspersion, that while they asserted and acted upon the principle of self-defence, they justified the lawfulness of private assassination; this is clearly stated in the testimony of James Boig, who suffered with Mr. Cargil. Wodrow, Appendix, vol. ii. No. LVI. Among the ensnaring questions usually asked at this time was, whether it was lawful to kill the king's officers? Upon one occasion, when the committee put it to William Thomson, a servant, he asked, in return, if they thought it was lawful to kill the people of God? adding, "I think if ye like ye may just lay the t'ane to the t'other;" a homely but pertinent remark.

right of their royal persons to the throne with the cause of monarchy itself; and could imagine no attachment to kingly government, in which devotion to themselves and family was not included. At this very moment, James, when writing to Barillon, expresses his entire security with regard to Scotland, "for the nobility and persons of quality," he remarks, "are by interest attached to royalty, and they are the masters here."* Within a few days an incident occurred which convinced his favourite Churchill (afterwards duke of Marlborough) that without the king's authority he would be unable to maintain a footing there.† The decided feeling of the country was protestant, and an aversion to popery was cherished by the episcopalians themselves, who were constrained, by the reproaches of the presbyterians, to oppose at least the name; and although the duke had been indulged in the exercise of his religion, it was always expressly declared that this was never intended to favour the re-introduction of popery.

XLVII. A youthful frolic of some of the students in Edinburgh college put the sincerity of these declarations to the test. Having observed, in a tavern, a print of the burning of the pope in effigy at London, they resolved to imitate the ceremony in the Scottish capital. On the twenty-fifth of December, having arrayed a figure of the supreme pontiff in his robes, with his keys, mitre, and triple crown, they brought him to the head of the Cowgate, and after they had gravely excommunicated him, placed him in a seat of the same form with the inaugural chair at Rome, and carried him to the foot of the Blackfriars Wynd. As the intention was well known, the magistrates had called in the military to prevent this juvenile insult to the duke's religion; but the students, dreading interruption, announced that the procession was to terminate in the Grassmarket, where his holiness was to suffer at the common place of execution. The guards suspecting no trick, took post accordingly about the side of the gallows, to await the arrival of the youths with

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1680.

Opinion of
York re-
specting
Scotland.Students
burn the
pope in
effigy.

* Letters from Edinburgh, December 1680.

† Appendix to Dalrymple's Memoirs, vol. i. p. 365.

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their culprit; but they, as soon as they learned the coast was clear, turned up Blackfriars Wynd, toward the High Street, three marching in front with lighted torches, and setting down the chair, after sentence was solemnly pronounced, the torch-bearers advanced, and some gunpowder having been previously affixed, the effigy of the infallible head of the holy Roman apostolic catholic church was most sacrilegiously set fire to, and blown into the air. The apprentices and sons of the burgesses, inspired by this example, appeared with the hated marks of other days, and the blue ribbon once more according to the council's proclamation, became "the sign and cognizance of tumultuating." The same antipathy to popery was displayed by the young collegians at Glasgow; but they adopted only the more peaceable mode of discovering their sentiments, although perhaps not less obnoxious, by reviving the badge of the covenant as the badge of their party.*

Proceed-
ings against
them.

XLVIII. At Edinburgh, several of those who had officiated in degrading "the image of the beast" were imprisoned, and the college was shut up for the riot. Thus exasperated, the students, the majority of whom were noblemen and gentlemen's sons whose fathers had conformed, threatened to burn the provost's house, because he had shown himself so virulent against them, and had not protected the rights of the university, of which the magistrates were patrons. During the fracas the mansion of Priestfield, his lordship's residence, some miles from town, was actually burned; and although no discovery was made, the classes were ordered to be dispersed, and the students forbid to come within fifteen miles of the city. At length, after in vain having at-

Provost's
house burn-
ed.

* Several of the students, among whom was the marquis of Annandale, were called before the masters and the archbishop to answer for their conduct. Annandale defended himself and his companions with true feudal spirit, and refused to give the bishop any other title than Sir. A Mr. Nicholson, his regent, checked him, and said, "William, you do not understand who you speak to, he is a greater person than yourself." "I know," replied Annandale, "the king has been pleased to make him a spiritual lord, but I know likewise that the piper of Arbroath's son and my father's son are not to be compared," adding, "that more noble blood flowed in his veins than that of the whole fourteen of them put together." Wodrow, vol. ii. p. 218.

tempted to get the covenanters implicated in the dispute, it was terminated by an act of council, [February 1,] ordering all the students to take the oath of allegiance.*

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XLIX. As soon as this weighty affair was settled, the duke of York made a tour to Linlithgow and Stirling, to visit the magnificent palaces of his ancestors. He was waited upon by a great concourse of nobility, and travelled with a royal equipage, affecting popularity in his progress: but he soon returned to his work of persecution with renovated vigour, and the records of the justiciary during this half year bear ample testimony to the villanous subserviency of that detestable tribunal. Sir George Mackenzie, whose memory is deservedly held infamous for the apostacy of his principles, the perversion of his talents, and his peculiar aptitude to every deed of legal murder and oppression, introduced about this time a practice subversive of all justice; and which, were it tolerated, would render juries in a majority of cases—as they were, with hardly an exception, during this sanguinary period—the mere echoes of the public accuser. Before they retired, he threatened them with a process of error if they returned an improper verdict; and in numerous instances extorted a reluctant verdict from an unconvinced but overawed assize.

Tour of the
duke of
York.

Infamous
conduct of
sir George
Mackenzie.

L. Perhaps no trial of the time places the complicated iniquity of the ruling party in a stronger point of view, than that of two poor young women, Isobel Allison, belonging to Perth, and Marion Harvey, a maid servant in Borrowstouness. The one was apprehended only for making some remarks upon the severity of the times, and the other was seized upon the highway as she was walking quietly along

Case of Iso-
bel Allison
and Marion
Harvey.

* Alexander Hamilton, merchant in Edinburgh, was imprisoned for saying he believed there would not be so much resentment taken if the picture of our Saviour had been burned, as was for their bairns burning the pope in effigy. Trotter of Mortonhall was ordered to be apprehended for telling he heard that night Priestfield was burned there were some of the duke of York's servants seen walking near the garden. Fountainhall's Decis. A report went at the time that the house was intentionally burned by sir James Dick himself. Chronolog. Notes, p. 7. But the more general belief was that the duke's people were the perpetrators, and it was said a barrel of gunpowder with the castle mark on it was found in the park near the house. (Brief and true account of the sufferings of the Church of Scotland. Lond. 1690.)

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Their execution.

D. Cargil apprehended.

to attend upon a sermon. They were first examined before the privy council, and as it was no difficult matter, the two simple-hearted girls were easily ensnared by the insidious questions put to them; they both acknowledged the Sanguhar declaration, attending Mr. Cargil's preaching, and holding conversation with intercommuned persons. When brought before the justiciary, the confessions to which they adhered were the only evidence against them; and when one of the jury urged that there was no fact proved, the lord advocate passionately replied, what they had said was treason, and charged them to act according to law, otherwise he knew what to do. A verdict of guilty was accordingly brought in, and they were sentenced to die as traitors. When about to be led out to execution, Paterson, bishop of Edinburgh, with cruel levity said to Harvey, "Marion, you would never hear a curate, now you shall hear one pray before you die," and ordered a suffragan of his in attendance to pray. The poor woman could not retire, but turning to her companion, they sung the 23d psalm in tones so full and unbroken, that they drowned the feeble voice of the curate, and spoiled the effect of the miserable jest. They were hanged along with some wretches for child-murder; but while the curate was assisting the devotions of the criminals, they sang and prayed apart; they died with much composure, rejoicing that they did not suffer as evil-doers. "I am not yet twenty," said one of them just before being turned off, "and they can charge me with nothing but my judgment."

LI. Among the sufferers of this period was Cargil himself. He had preached upon Dunsyre common, between Clydesdale and Lothian, and in the evening was seized, with two others, at Bovington Mill, by Irving of Bonshaw. He was marched on foot to Lanark jail. When horses were procured, the aged minister and his companions were put upon their bare backs, and their feet tied tight below their bellies, with their faces to the tails of the animal, except where two were tied back to back upon the same beast. In this position they were carried into Glasgow, where Mr. Cargil had formerly exercised his ministry, amid a crowd of spectators, who could only express their sympathy by their tears.

They were conveyed in a similar manner to Edinburgh. His process was short; his delinquencies were too flagrant to allow any hope of escape, after he fell into his enemies' hands; yet it is said the council hesitated whether to condemn him to the Bass or to the gibbet, and that the latter was decided by the casting vote of Argyle! His demeanour at the close was becoming and moderate. He mounted the scaffold with a smiling countenance, and his last words were expressive of peace and joy.* He was thrice, in attempting to address the people, interrupted by the drums, but was heard to say, when he set his foot upon the ladder, "The Lord knows I go up this ladder with less fear and perturbation of mind than ever I entered a pulpit to preach." Five persons were executed along with him, among whom was a Mr. Smith, one of his hearers, whose case appears peculiarly hard, as his sentiments respecting civil government were capable of a moderate or justifiable meaning, and should have saved him; though, being only private unpublished sentiments, they ought never to have been used in a criminal process. At the council, on the Sanquhar declaration being read, he avowed it in general with an explanation, that he did not acknowledge those who composed it as the formal representatives of the presbyterian church, nor did he approve the expressions, "the king should have been denuded many years ago; but he thought what the king had done justified the people in revolting from him. As to declaring war, he did not know if they were called to, or in a capacity to declare it; and therefore he was of opinion that, by their declaration, they only intended to justify their killing any of the king's forces in their own defence, if assaulted, which otherwise might have been esteemed murder." It was remarked as an unpropitious omen, that the time fixed for their execution was the day immediately before parliament met.

Executed,

as is Mr.
Smith.His opi-
nion of the
Sanquhar
declaration.

LII. About this time a set of enthusiasts sprung up, such as in times of general excitement respecting religion not un-

* Fountainhall says, Cargil behaved most timorously, begged banishment, but finding that could not be granted, put on more resolution after the sentence, yet with the same breath says, "He, to save his life, refused to say God save the king!" Chron. Notes, p. 18.

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Gibbites.

Their ex-
travagan-
ces.

frequently bring discredit on a good cause, by having their extravagant tenets attributed to, or intentionally mixed by designing opponents with the opinions and practices of those who are rationally zealous in promoting truth. It took its rise from one John Gibb, a sailor in Borrowstouness,* and never exceeded thirty in number, chiefly women. They were denominated Gibbites by the people, but took to themselves the name of "the sweet singers," from their custom of constantly singing the penitential and mournful psalms. In order to lift up a testimony against the paying of cess, they adopted a plan similar to that by which some reputed wiser heads in latter days have attempted to frustrate the views of government; they would consume no article liable to excise; they would not only not taste ale nor touch tobacco, but even the fruits of the earth, or whatever, by being manufactured, could contribute to the revenue, were objects of their abhorrence; and that they might keep themselves free from contamination in this respect, they all, with one consent, retired to the most desert and moorish places, leaving their houses, beds, and change of raiment to their weaker and more compliant brethren. For days together they would taste nothing but moss water and herbs, and in their frequent fastings saw visions of terror, and had sad anticipations of immediate judgments. They prognosticated the instant and utter ruin of the land, while some, more sanguine than the rest, seated themselves on the Pentlands, to feast their eyes with the smoke and final desolation of the sinful city of Edinburgh. At length, finding themselves mistaken, they journeyed to the westward, and renounced the psalms in metre, the chapters and verses, the contents and dedication of the Old and New Testament,† all authority throughout the world, from the tyrant Charles Stuart to the smallest tyrant,

* From his size, he was usually called meikle John Gibb; in the note to Fountainhall, by a typographical error of no great consequence, the descriptive name of the sailor is printed as a surname; and the leader of the sect is split in two thus, Meiklejohn, Gibb, &c.

† "We think the psalm book in metre, nor no other thing ought to be within the boards of the Bible, but the simple Scriptures of truth. The psalms may be had in a book by themselves." Gibb's Blasphemous Paper. Wodrow, vol. ii. App. p. 79.

1681.

They are
all seized
and con-
fined.

Liberated.

Their prin-
ciples

and all association with every other party of professing Christians. Cargil appears to have been the only minister who attempted to reclaim them; he repeatedly went to them, and reasoned with them, but found them unconvincible. A troop of dragoons soon after surprised and took the whole company, who had passed about a month in the fields, at Wool-hill Craigs, betwixt Lothian and Tweeddale, and carried them to Edinburgh, where the men were put into the Canongate tolbooth, and the women into the house of correction; and the manner in which they were treated is one of the few acts of the then government that almost deserves praise, though the presbyterian writers allege that the clemency shown on this occasion, originated in hatred to those who were equally anxious to disclaim all knowledge of, or connexion with, the abhorred enthusiasts. They were confined for a few months, when, after examination, his royal highness, and the lords of council, "having considered the condition of these prisoners, called the 'sweet singers,' David Jamieson, John Gibb, Walter Ker, John Young, and some women, gave orders to the magistrates to liberate them, provided they give, under their hand, that they abjure the disloyal principles once owned by them, appointing such as are able to find caution to appear when called, and such as are not, to enact for themselves." On which they were liberated, and they appear to have, in general, returned to the quiet and laudable discharge of the usual duties of life.

LIII. Notwithstanding the opprobrium with which the memory of the Gibbites have been loaded, with the exception of some wild fancies respecting the sinfulness of purchasing provisions, and holding intercourse with persons who were living under the curse, their creed, as expounded by themselves, will not merit all the harsh epithets which have been bestowed upon it, nor be found more extravagant than some of the sects in our own day. They renounced the Confession of Faith as a human composition, and the Acts of the General Assembly as unscriptural; "they renounced the manner of renewing the covenants, pressing men's consciences to take a covenant when they knew the men to have no marks of grace; but, on the other

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And pecu-
liarities.

hand, to be profane—and, by so doing, filling both kirk and state with incarnate devils.” “But, notwithstanding,” they add, “of our burning covenants and declarations, and renouncing of them and their works, be it known to all that we do neither vindicate the cursed murderers, of their bloodshed on fields, scaffolds, or seas, nor condemn we the worthy martyrs and the sufferings of others, only we give the Lord justice, and vindicate his tarrying—for now the furnace has brought forth a more pure cause, which we term holiness, built upon the word of God.” In their other peculiarities, they adopted the same views as the quakers, with regard to the names of the months, and days of the weeks, titles of honour, dress, salutations, and compliments; and their carriage, as christians “professing to follow the Lord Jesus,” they thought, should be staid and circumspect, according to that scripture, “let us walk circumspectly, not as fools, but as wise men.”*

State of the
country.

LIV. Nine years had now elapsed since the supreme council of the nation had been convoked, during which interval the people had groaned under an accumulation of almost every evil which misgovernment could inflict upon a nation—legal tyranny, perverted justice, and military licence; yet the interruption called forth no expressions of regret, nor were any hopes of redress expected from its assembling. Every successive parliament, since the first riotous restoration one, had forged additional fetters for the country. Dread of the tyrannical statutes they had themselves enacted, and the overwhelming weight of the prerogative, which, in the madness of their loyalty, they increased with unthinking prodigality, had so broken the spirit of the nobility, and crushed the patriotism of the commissioners, that the meeting of the estates was become a mere form for registering the royal edicts; and even that might perhaps have

* Wodrow, vol. ii. p. 220; Fountainhall's Chron. p. 10, note; Law's Memorials, p. 185, *et seq.* Numberless absurdities were attributed to this sect, of which I have given a specimen in the text; but as they were intended to reflect upon the presbyterians, they seem to have had their origin in calumnies, which the presbyterians, in their anxiety to exculpate themselves from, were not always sufficiently cautious in examining before they condemned; and now they stand a matter of historical record which it is impossible to correct.

been dispensed with, but for the peculiar situation in which the duke of York stood at this time. No visible spark of liberty existed in the kingdom, except among the traduced and persecuted wanderers, whose unconquerable attachment to their civil rights was supported and invigorated by a spirit of religion, equally unassailable by the flattery or the frowns of power. This the estates united with the prince to vilify and destroy; nor was there any prospect that the present would differ from the preceding parliaments by showing regard to the rights of the subject; and it deserves to be recorded as an especial instance of the good providence of God to our native country, that the united efforts of king, nobles, and parliament, were incapable of extinguishing that flame which, though feebly, burned purely upon the mountains and among the mosses of Scotland, and kept alive those principles to which the ever-memorable Revolution gave stability.

LV. The English parliament had made strenuous efforts to regain the independence which they foolishly threw away at the Restoration; and they had succeeded in obtaining the enactment of several excellent statutes for personal security,—the essence of public freedom—and among others the Habeas Corpus act, styled by Fox “the most important barrier against tyranny, and best framed protection for the liberty of individuals that has ever existed in any ancient or modern commonwealth.”* But, aware of the inefficacy of mere laws in favour of the subjects in case of their administration falling into the hands of persons hostile to the spirit in which they had been provided, they deemed their work incomplete unless the duke of York were excluded from the crown. A bill of exclusion had passed the house of commons. It failed in the house of lords; but the opposition to the court was so strong, that Charles deemed it necessary abruptly to prorogue and afterwards finally to dissolve the parliament, with a resolution to call no more during his reign. From the Scottish estates he knew he would meet

Proceed-
ings of the
English
parliament.

Bill setting
aside the
duke of
York lost.

* Hist. Introd. Chap. p. 38, 39. It ought, however, to be engraven on the rock, and written as with the point of a diamond, that in no reigns in Britain was personal liberty so little secure as in those of Charles II. and James II. after the passing of this act.

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He is appointed
commissioner to

with a ready acquiescence in his views; and concluded, if the succession of the duke were secured in Scotland, it would weaken the party of the patriots in England, and the apprehension of a civil war would incline the more moderate to desist from urging a measure which might be fraught with so much unequivocal misery. The duke of York was therefore appointed commissioner, and they were summoned to assemble on the 8th of July 1681. An objection to the duke, on account of his religion, and his not taking the oaths required, was privately circulated; but the lawyers not being of opinion that the oaths were requisite, and the duke of Hamilton refusing to act unless a majority could first be secured, the matter dropped.

the Scotch
parliament.

LVI. In the language of the day it was "a frequent meeting." All were anxious to pay their homage to the king's brother, and the riding was conducted with unusual pomp; Argyle bearing the crown, an honour, as has been remarked, ominous to that family. The bishop of Edinburgh opened the session by prayer, and the duchess of York and a number of ladies were present. Rothes, lord chancellor, having died, and the office being vacant, the commissioner nominated Athole president of the parliament; his majesty's gracious letter was read twice, the duke of York then addressed them in a set speech, enforcing and enlarging upon the topics of the royal communication; and the parliament, after due consideration, made a suitable reply. Were it not that we are accustomed to see persons as public men, unblushingly make assertions which they would be ashamed to hint at in private life, it would be almost impossible to believe that we were reading the accounts of a grave transaction, the interchange of compliments on this occasion are so absolutely burlesque. The king told his legislators that he had ever judged his own interest and that of his subjects inseparable, and that his service could not be divided from their happiness! The duke signified his delight in having it in command from his majesty to assure them that he would inviolably maintain and protect the protestant religion, allow no interruption of the law for security of his subjects' properties and rights, and always discountenance all courses contrary thereto; and the parliament declared their great

satisfaction in finding his majesty so much concerned for the protestant religion, not only in his gracious letter, but in the whole conduct of his royal government ; and expressed their anxious desires to serve him, excited not more by his extraordinary kindness to those who had continued in their duty, than by his wonderful clemency for such as had fallen from it !*

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LVII. Their proceedings were in perfect unison with the preliminaries ; the first act ratified all former acts for settling and securing the liberty and freedom of the true kirk of God, and all acts against popery. The next went directly to overturn the whole fabric ; asserting that the royal power was derived from God alone—it recognised the lineal succession according to the proximity of blood as a fundamental and unalterable law of the realm ; asserting that no difference of religion, nor any act of parliament, made or to be made, could stop or hinder the nearest heirs from the free, full, and actual administration of the government ; and declared it high treason to propose or attempt any alteration or limitation of the hereditary rights of the crown.

Act secur-
ing the
presbyteri-
an church.

Act of suc-
cession.

LVIII. It is somewhat amusing to observe the anxiety displayed to get the divine right and lineal succession confirmed by act of parliament, while the same body is declared incompetent to alter or amend what they were called upon to confirm. But the recollection is pregnant with instruction, that within eight years the crown was declared forfeited, and the lineal heirs sent to wander as fugitives and vagabonds on the earth, by a resolution of the same assembly, or one, containing almost the same members under another name.

Remarks.

LIX. An assessment for the support of a standing army was afterwards voted ; and, to secure the peace of the country, the fines for attending conventicles were doubled, and burgesses, besides being fined, were rendered liable to be deprived of all their privileges. Heritors were ordered to turn out their tenants or cottars, and masters their servants, who were accused of attending conventicles—for ac-

Assess-
ment for a
standing ar-
my—and
more se-
vere acts
against con-
venticles.

* Fountainhall's Chron. Notes, p. 19. Wodrow, vol. ii. p. 189, *et seq.*
Acts of the Scottish Parl. vol. viii.

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cusation and conviction were the same—and severe penalties were enacted against any who should receive or hold intercourse with them :—an act which warrants our giving credit to an expression attributed to the duke, “ that Scotland never would be at rest till all the land south of the Forth were turned into a hunting field.” But the act which was attended with the most important consequences, was that respecting a new test.

Test act.

IX. At the commencement of the session, it had been held out as a lure to induce the members to pass the act of succession without hesitation, that all the security they could require would be given for maintaining the protestant religion. When the first act however was passed, it appeared so general and unsatisfactory, that in the committee for religion, a draught for a new one was brought forward confirming all the former statutes against papists, and narrating the coronation oath with a special exception for the immediate heir ; but rigidly enforcing a test upon all who held

Debate.

public offices, which would effectually have excluded papists from places of trust. The attempt excited the commissioner's high displeasure, and the committee was discharged ; yet in order to show some appearance of regard to his promise, he had recourse to a jesuitical expedient, more dishonourable than the breach of it would have been.

The security for the protestant religion was converted into a declaration of passive obedience, and an acknowledgment of royal supremacy ; and instead of a barrier against popery, an oath was imposed calculated to incapacitate not the presbyterians alone, but even the moderate conscientious episcopalians. When the draught of the bill which had been framed by the Articles was first brought before parliament, the clause respecting the protestant religion was loose and indefinite.

Fletcher of
Salton op-
poses it.

Fletcher of Salton, who strenuously opposed the whole, particularly insisted that explicit security upon this head should form part of the test. He was supported by lord Belhaven, who remarked, that whatever security this oath gave against innovations which they themselves might attempt, they had no security against a popish or fanatical prince. But the expressions were no sooner uttered than he was sent prisoner to the castle, and the lord advocate

Lord Bel-
haven im-
prisoned
for his re-
marks on
it.

threatened him with an impeachment; nor was he restored to his place till after the most humble submission.* Admo- BOOK XVII.

nished by his fate, Argyle spoke in more guarded terms; he lamented the multiplication of public oaths, which he thought should be as short and clear as possible; and as the oath of allegiance had been found a sufficient remedy against the fanatics, he was of opinion a very short clause might be added, which would prove equally effectual against the papists. He also objected to the exemption of the royal family from taking the oath, and proposed that the duke alone should be specially excepted. It was, he said, the happiness of the nation, that the king and people were of one religion by law, and he hoped the parliament would do nothing to loosen what was fast, and open a gap for the sovereign to be of an opposite faith;—an object of more moment to the tranquillity and happiness of the nation than the belief of any of the subjects. The commissioner rose and openly scouted the amendment, which drew from the earl an obser- 1681.
Argyle proposes an amendment.

vation, that if the exception passed, it would do more prejudice to the protestant religion, than all the rest of the act would do good. York.
scouts it

LXI. All other proposed amendments were rejected; but the court party could not with any decency refuse to explain what was meant by the protestant religion. Not having, however, previously considered the subject, they were rather at a loss about it, when president Dalrymple suggested the Confession of Faith† ratified by the first parliament of James VI. at the time Mary was forced to resign her crown, as the standard. This had long been superseded by the Westminster Confession; and being unknown to the prelates, was adopted without examination, as a test which would secure themselves and completely cut off the hopes of the presbyterians. The opponents of the bill pleaded in vain for a delay of only twenty-four hours to afford time for consideration; the commissioner was peremptory; and it was hurried through the house and passed by a small majority, not a tenth of whom knew what they were voting. Original Confession of Faith adopted.
The act passed.

* Acts of the Scottish Parliament, vol. viii.

† It was the first confession, and drawn up by John Knox.

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Its contra-
dictions.

Accordingly every person holding any office in church or state, in colleges or schools, in burghs or corporations, were, with the exception of the king's legitimate children or brothers, enjoined to swear that they owned and sincerely professed the true protestant religion contained in the aforesaid confession of faith; that they believed it to be founded on and agreeable to the written word of God; that they would adhere to it all the days of their lives, educate their children therein, and never consent to any change or alteration contrary thereunto. In this summary, the duty of associating together, of resisting tyranny, and limiting the power of the magistrate is expressly asserted as a sacred obligation; but without adverting to that circumstance, the test oath in the next sentence affirmed that the king's majesty was the only supreme governor of the realm over all persons, and in all causes civil or ecclesiastical, and the lieges swore that they would never consent or determine upon any subject relating to the church or state without his express permission; that they held it unlawful to form associations for redressing grievances, or to take up arms against the king; that they would never decline his power and jurisdiction in any case, but would defend the same against all deadly;* and this oath was required to be taken in the plain genuine sense of the words, without any equivocation, under the penalty of confiscation.

Act re-
specting
public cre-
ditors.

LXII. Several acts of minor importance followed, all of the same complexion. But the session concluded with one respecting public debts, the flagrant injustice of which has been overlooked by historians, amazed at the superior iniquity of the test. During the wars, when national credit was low, a number of the noblemen and gentry, members of counties, gave bonds on their estates to the public creditor, for the money borrowed for the public service; and the estates, by an act, guaranteed them or their heirs from being sufferers for their patriotism; but when the proceedings of these parliaments were annulled by the act rescissory, they had lost their security, and were in danger of being pursued for their bonds as private debts. On application, how-

* Scottish Acts, vol. viii.

ever, to this legitimate assembly, all of those noblemen and gentlemen who would take the test were relieved from their obligations, and they who had advanced the money to the country were left without any recourse.

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LXIII. After the parliament rose the duke of York made a tour to the west; and such was the general servility his rigour had inspired, that he was everywhere hailed with shouting, and gratified with entertainments. The indomitable persecuted band alone cherished the spirit of their forefathers. Amid all their suffering they never despaired of their cause! and in its lowest ebb never shrunk from avowing it. At Glasgow, as his highness was walking along the street, and enjoying the outward homage that was paid him, some one of the hated sect had the boldness to present him with a protestation "against the king, in all his tyranny, his murdering and oppressing the people of God, his usurping a right over the conscience, and his transferring his power in Scotland to a professed papist, (after he had sinned away his own understanding with harlots) to cheat the people, first out of their souls, and then out of their estates." James took the paper graciously, supposing it some petition; but after he had read it his countenance fell, and he hastened back to the capital.

Tour of the
duke of
York.

Protesta-
tion hand-
ed to him in
the streets
of Glas-
gow.

He returns
to Edin-
burgh.

LXIV. An oath containing propositions so opposite as the test, and inferring duties, the performance of which, according to the literal acceptation of the words, was absolutely impracticable, in its very essence necessarily involved perjury and dishonour. No person, therefore, supposed that it would ever be enforced; but the satellites of the court were accustomed to, and regardless of oaths; and the duke being himself exempted, was determined to push the advantage which he perceived it gave him over the presbyterians, although at the expense of every moral principle and every tie which binds society together.

Deter-
mines to
enforce the
test.

LXV. An immense majority of those who held public situations submitted to the test; and Scotland presented the appalling sight of a government whose security was built upon a general dereliction of truth and sincerity. It must, however, be recorded, to the honour of part of the episcopalian clergy, that when the oath came to be administered consi-

Taken by
public of-
ficers—

Objected
to by some
episcopi-
ans.

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Bishop Paterson's explanations,

derable reluctance was expressed, and several of them published the reasons of their dissatisfaction. Paterson, bishop of Edinburgh, endeavoured to remove their scruples by an explanation, which was sanctioned by the privy council, and approved of by the king. He alleged that assent was not required to every proposition in the Confession of Faith, but only a general approbation of the fundamental articles, as opposed to popery and fanaticism; that no encroachment was intended upon the intrinsic spiritual power of the church, nor any prejudice to episcopal government, as declared by act of parliament to be the most agreeable to the word of God.*

not satisfactory—

Queensberry's explanation.

Argyle takes it as a privy councillor.

LXVI. Some still hesitated; explanations could not alter the meaning of the words, and the oath was required to be taken in its plain literal acceptation; about eighty of the most conscientious chose rather to resign their livings than swear;† and the national church was delivered from the last restraint their example had imposed upon the general profligacy. Nor were there wanting among the nobility some who preferred their integrity to their places; others proposed explanations. Queensberry transformed his objections into a compliment; in swearing against ever consenting to any alteration in church or state, he declared that he did not intend opposing any alterations it should seem good to his majesty to make.

LXVII. Argyle—who had received unequivocal marks of the duke's displeasure for his parliamentary conduct—aware of the danger and delicacy of his situation, requested permission to resign his employment and go into voluntary exile, rather than take the oath; but, at the pressing desire of

* Paterson had written a long explanation, which he was preparing to read, when the duke interrupted him with the elegant proverbial saying, "the first chapter of John and a stone will chase a dog," and the above abridgement was substituted. Law's Memorials, 205, Wodrow, Burnet.

† Burnet mentions this as the number of the episcopalian clergy who gave up their places, but I apprehend it is magnified. Hist. vol. ii. p. 334. King James in his Memoirs says, "so great endeavours were used to mitigate the lord's [Argyle] crime to the king, and to insinuate as if some ill might come of the duke's pressing things too far, that the greatest part of the orthodox clergy of Edinburgh itself refused to take the test, but the king was soon convinced of the falsity of these reports." Clarke's Life of James, vol. i. p. 710.

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His explanation.

Refuses to take it as a commissioner of the treasury.

Removed from all his offices.

his grace, he consented to take it as a privy councillor, with this explanation, of which James also approved, "I have considered the test, and am desirous to give obedience as far as I can. I am confident the parliament never intended to impose contradictory oaths, therefore I think no man can explain it but for himself. Accordingly, I take it in as far as it is consistent with itself and the protestant religion; and I do declare I mean not to bind up myself in my station; and in a lawful way to wish and endeavour any alteration I think to the advantage of the church or state, nor repugnant to the protestant religion and my loyalty; and this I understand as a part of my oath." When he had thus expressed himself the test was administered, and the duke, in the most gracious manner, with a smile, commanded him to take his seat at the council board; but the explanatory act above noticed, being immediately introduced, he declined voting, as the reasoning was concluded before he entered. Next day he was required, as a commissioner of the treasury, again to take the test, which he agreed to do in the same manner that he had done the day before; on which some of the councillors said he had spoken so low that they did not distinctly hear what he had said. Argyle then produced a copy of his explanation, which he read, and declared he was willing to sign; but being removed while the council deliberated, he became suspicious of some snare, and refused, when brought in again, to put his name to the paper; it was, however, attested by the marquis of Montrose, president, and he was immediately removed from all his offices, as not having taken the test "in the terms, sense, and meaning appointed by act of parliament."* To which, says lord Fountainhall, he, with great magnanimity, firmness, and constancy of spirit, answered;—"seeing he could not serve his majesty and the royal family any more in his councils within doors, he should never be wanting to do them all the service in his power without."†

[LXVIII. The following morning Argyle waited upon the duke, and expressed his surprise that what had met with his

* Council Register, quoted by Wodrow, vol. ii. p. 208.

† Fountainhall's Decisions, vol. i. p. 160.

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Sent prisoner to the castle, and ordered to be prosecuted for treason.

highness's approbation should now be considered a crime. The duke complained of his not voting on the council's explanation, and added, with a frown, that "he, with some more, had designed to bring trouble upon a handful of poor catholics, that would live peaceably however they were used; but it should light upon others."* The same night his lordship was ordained to enter prisoner in Edinburgh Castle, and the king's advocate ordered "to pursue a process of treason, or such other crimes, against the earl of Argyle, as should be found convenient, upon that paper he presented before the council about the test."

Council threatened for their opinion on his case.

LXIX. Charles had ever professed an affection for Argyle, who had early distinguished himself by his loyalty and attachment to his person; an account was therefore despatched by the council of their proceedings, for his majesty's approbation, which he sent, in course, only he required that the sentence should be submitted to him before it was pronounced. The earl was immediately served with his indictment; but his application to the council for leave to sir George Lockhart to act as his counsel was twice rejected; nor was it granted till an apprehension that the earl would refuse to plead extorted it from them. Eight of the most eminent advocates at the bar, gave, as their opinion, that the earl's explication imported no crime; for this they were severely threatened, and a committee of council, including one of the judges, was appointed to examine how far that legal opinion implied scandal against the government, and deserved prosecution.

* Perhaps there will not easily be found a stronger example of the depraving effects of despotic power, united with a false religion, upon the heart of its possessor, than the following: When Argyle was urging his objections against the test to the duke, he remarked that these were strengthened, by observing that some who had refused (*i. e.* papists) enjoyed his favour; while others who had taken it were in disgrace; and requested to know why his swearing was so much pressed by his highness, as there were some things in it which he himself did not approve. York, taken off his guard, replied, in a passion, that "the test was brought in at first without the confession, but that the president [Stair] had got the confession affixed, which rendered it now such an oath as no honest man could take." "Then," added Argyle, "there is the more reason why I should advise about it;" the duke made no answer, but would not relax an iota towards any person who was thought to favour presbyterianism. Wodrow, vol. ii. p. 206.

LXX. Except, perhaps, in works of humour, where the intention is to ridicule the grave absurdities with which our law proceedings are encumbered, or to expose the wretched chicanery of some pettifogging lawyer, it would not be easy to parallel the charge preferred against Argyle, or the arguments by which the king's advocate supported it.* He was accused of leasing-making, perjury and treason, of depraving the laws, and assuming the legislative powers of the state; and the libel ran thus: " ' You declared that you had considered the test, and was desirous to give obedience, as far as you could; ' whereby you clearly insinuated that you was not able to give full obedience. ' You declared that you were confident the parliament never intended to impose contradictory oaths; ' thereby intending to abuse the people with a belief that the parliament had been so impious as really and actually to have imposed contradictory oaths. You subsumed that ' every man must explain it (the test) for himself, and take it in his own sense; ' by which not only that excellent law, but all other oaths and laws, shall be rendered altogether useless to the government; and is not only an open and violent depraving of his majesty's laws and acts of parliament, but likewise a settling of the legislative power on private subjects. ' You declare that you take the test in so far only as it is consistent with itself and with the protestant religion; ' by which you maliciously intimate to the people that the said oath is inconsistent with itself and with the protestant religion, which is not only a downright depraving of the said act of parliament, but is likewise a misconstruing of his majesty's and the parliament's proceedings, and misrepresenting them to the people in the highest degree, and in the tenderest points, implying, that the king and parliament have done things inconsistent with the pro-

The indictment.

* The ingenious editor of Fountainhall's Chronological Notes tells us, " The very hospital children made a mockery of the crown lawyers. The boys of Heriot's Hospital resolved, among themselves, that the house dog, belonging to the establishment, held a public office, and ought to take the test. The paper being presented to the mastiff, it refused to swallow the same until it was rubbed over with butter. Being a second time tendered (battered as above mentioned) the dog swallowed it; and was next accused and condemned for having taken the test with a qualification, as in the case of Argyle."

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testant religion, for securing of which that test was particularly intended. ‘ You expressly declare, that you mean not, by taking the said test, to bind up yourself from wishing and endeavouring any alteration, in a lawful way, that you shall think fit for advancing of church and state,’ whereby you not only declare yourself, but, by your example, invite others to think themselves loosed from that obligation; and that it is free for them to make any alteration in either they shall think fit; concluding your whole paper with these words, ‘ and this I understand as a part of my oath,’ which is a treasonable invasion of the royal legislative power, as if it were lawful for you to make to yourself an act of parliament, since he who can make any part of an act may make the whole. Of the which crimes above mentioned, you the said Archibald earl of Argyle, are actor art and part, which being found by the assize, you ought to be punished with the pains of death, forfeiture, and escheat of lands and goods to the terror of others to commit the like hereafter.”

Pleadings
on its rele-
vancy.

LXXI. This miserable sophistry, by which the most innocent and laudable language was distorted to mean perjury and treason, was ably and forcibly exposed by Lockart and Dalrymple, whose speeches stand upon record as indelible monuments of the infamy of the court, and that degraded tool the lord advocate. To read the charges and the grounds on which they were framed, would, to any man of common sense, have been sufficient refutation; but to the sycophants who fawn around the footsteps of despotism, demonstration, though it may carry conviction, is incapable of producing opposition to their master’s will. The pleading was protracted till nine o’clock at night, when the court adjourned. The judges, however, remained to determine upon the relevancy of the libel—whether, in point of law, the explanation of the test was sufficient to constitute those crimes which the indictment contained—and continued several hours in consultation, when they divided—Colington, an old cavalier, and Harcarse, a learned and upright man, opposing; and Newton and Forret, two well-trained minions of power,* supporting the relevancy. Queensberry,

The court
divided—
Queens-
berry re-
fuses to
vote.

* Newton was afterwards made president of the court of session—Forret had been thoroughly bred under Lauderdale.

who presided as justice-general, had himself received the test with an explanation; and either from some remaining sense of honesty, or an unwillingness to incur the odium of the iniquitous transaction, hesitated to give his casting vote. Lord Nairn, therefore, an aged infirm judge, whose attendance in court had for some years been dispensed with, was raised after midnight, and brought from his bed to decide upon a point of life and death, in a cause which he had not heard debated. To make up for this deficiency, the clerk read over the proceedings; but the old gentleman fell asleep upon the bench, and did not awake till called upon to vote.

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LXXII. Next day the interlocutor was pronounced in due form, "sustaining the charges as relevant, repelling the legal defences against treason and leasing-making, and remitting the indictment, with the defence against perjury, to the knowledge of an assize." A jury was named, who deserve to be pilloried on history's high stage, as parties in this conspiracy against justice. They were, the marquis of Montrose, the earls of Linlithgow, Roxburgh, Dumfries, Airly, Perth, Dalhousie, Middleton; lords Sinclair, Lindores, Burntisland; the lairds of Gosford, Ballymain, Park, Gordon, and Claverhouse. Argyle declined making any defence, and told the court, that since what had been so well spoken against the relevancy had been overruled, he would not give them any farther trouble. He neither called witness nor challenged the jurors, nor would his counsel bind themselves to any empty show of pleading in a case so evidently prejudged, though the public accuser, that he might not seem wanting of his full share in this scandalous transaction, threatened the jury with an assize of error.

Found relevant.

Names of
the jury.

Argyle declines making any defence.

LXXIII. But it was an idle flourish: Montrose, the foreman, cherished hereditary hatred to Argyle, a majority of the remainder were his personal enemies, and all concurred to gratify the duke. A verdict was, after a very short deliberation, returned, all in one voice, finding the pannel guilty of treason and leasing-making, but by a plurality of voices, finding the charge of perjury not proven. As soon as the verdict was announced, it was reported to the king by the council, with a recommendation that sentence of

Found guilty.

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The king
approves of
the verdict.Argyle
escapes.

death should be pronounced, but execution sisted during pleasure. Argyle also despatched a messenger to London, who, as soon as he ascertained his majesty's compliance with the council's request, returned express, and having outrode their letter-bearer by twenty-four hours, gave intimation to the earl of his danger. Before his arrival several circumstances had occurred to justify Argyle's most gloomy apprehension. Every application to the duke had failed. He was committed to close confinement, his guards were doubled, and he was informed that his removal from the castle to the common jail, the usual preliminary step to the execution of a peer, was determined on; he therefore resolved, as long as it was practicable, to make his escape, and that same evening succeeded, under the disguise of a page holding up the train of lady Sophia Lindsay, his step-daughter, sister to the earl Balcarras.* A proclamation was immediately issued for his apprehension; but, notwithstanding the general alarm and violent pursuit, he arrived safe in London, and thence proceeded to Holland. On getting out of the castle, by direction of Mr. John Scott, minister of Hawick, he rode straight to the house of Pringle of Torwoodlee, who sent him to Mr. William Veitch, an exiled minister, then lurking in Northumberland, under whose guidance he performed his journey.†

* It is said that the sentinel at the castle gate, suspecting something, seized the earl by the arm, and he in his agitation dropped lady Sophia's train, when she, with wonderful presence of mind, snatching it up from the mud in a pretended passion threw it in his face, scolding him at the same time for a "careless loun," and so besmeared him that his features were not recognised, and he was allowed to pass without further trouble. The young lady, however, had her conduct brought before the privy council, and for this act of generosity, it was proposed to whip her publicly through the streets of Edinburgh—so gallant were the Scottish cavaliers! But the duke, it seems, prevented it, saying, "they were not used to deal so cruelly with ladies in his country." *Law's Memorials*, p. 210. *K. James's Mem.* vol. i. p. 710.

† An interesting account of the earl's escape is given in Veitch's *Memoirs*, published by Dr. M'Crie, from which I extract the following. "Mr. Veitch carried Argyle, under the name of Mr. Hope, in disguise, to one of his preaching stations on the Sabbath, and on the Monday morning took him to a friend's house between Newcastle and Newburn, where he left him until he went on to Newcastle, and bought three horses for him and his two servants, which cost him about L.27 sterling, which Mr. Veitch paid out of his own pocket, finding Mr. Hope scarce of money. Having done this, he ordered Mr. Hope's two servants to go to a change-house, in the way to Leeds, seventeen miles

LXXIV. Sentence not having been pronounced, his countess petitioned against its being passed in absence; and urged, that although this had been done in the case of open

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from Newcastle, and he and Mr. Hope crossed Tyne at Newburn, and went to a bye inn over against Durham. They called next day for the servants, and took them along. On Thursday they went toward Roderam, thinking to lodge four or five miles beyond it that night; but the day being very rainy, and he complaining he was wet to the skin, and seeing we must needs take up at Roderam, we resolved to take the post-house, as least suspected, rather than a bye inn. We were not well in our chamber, and had got some faggots to dry us, when a livery-man, well mounted, and calling for the hostler, asked briskly, "Came there not here some gentlemen shortly?" which put us all in fear. But, after inquiry, it was some gentlemen's servants, who, having seen us before them upon the road, and thinking we might call at the post-house and take up the best rooms, had sent this fellow to see. Mr. Veitch calling for a flagon of ale, and a bottle of wine, and some bread, called for the landlord and landlady to drink with them, and talked a little, asking for several gentry in the country—how far they lived from that place—telling them that they were relations to some of his neighbour gentry in Northumberland. This he did that the landlord and landlady might know they were Englishmen, which happened well: for, while we were at supper, the postboy coming from Doncaster gave his master a letter from that postmaster; which, after he had read, he at length reached it up to the table-head to Mr. Veitch, who was sitting there as the chief gentleman of the company, having Argyle's page now in disguise standing at his back. After Mr. Veitch had read it at great leisure, he was almost nonplussed what to think or say: for the narrative of the letter was to tell that Argyle was escaped out of the castle, and that there was L.500 sterling bid for him, whoever should apprehend him. 'If you find him,' said the postmaster in his letter, 'and apprehend him in your road, let me go snips with you; and if I find him you shall go snips with me.' He [Mr. Veitch] broke out by way of laughter, and said, 'Mr. Hope, here are admirable good news for you and me. The earl of Argyle is escaped by these news; we that are travelling southward may come to hit upon him, for if he be come to England he will readily take bye ways; and, if we hit upon him, L.500 reward will do us good service, only I fear he rides much these moonlight mornings. I could find in my heart to give my landlord a bottle of sack, to let his hostler direct us early in the way to Clown, and I promise, if we find the prize, he shall share of the reward;' to which the landlord replied, 'The hostler is at your honour's service,'—so Mr. Veitch called for a bottle of sack, to drink to their good success. They went early in the morning away, and searched the house, but found no one lodger. Ere they came to Clown they dismissed the hostler, and breakfasted at that place. After which Mr. Veitch sent the servants to the plume and feathers at Nottingham, and sent Argyle upon the horse that carried the cloak-bag. So they rode that Saturday's night to Mr. Willis's house at Glasswell, and staid there till Monday. It was one of Mr. Veitch's haunts, and he preached all the Sabbath to the meeting. In the meantime, Mr. Veitch, thinking upon the alarm

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Sentence
pronoun-
ced in ab-
sence.

Its effect in
England,

In Scot-
land.

rebels who had been in arms against his majesty, yet never in any other case had a person been forfeited in absence, or without an act of parliament:—no attention was paid to the representation. Next day, “The lords commissioners of justiciary, adjudged Archibald, earl of Argyle, to be executed as a traitor, when apprehended; his name, memory, and honours to be extinct, and his arms to be riven forth and delete out of the books of arms, so that his posterity might never have place, nor be able hereafter to bruik or enjoy any honours, offices, titles, or dignities, within the realm, in all time coming; and to have forfeited, omitted, and tint all and sundry his lands, tenements, &c. &c. to our sovereign lord, to remain perpetually with his highness in property.” The grandson of Argyle was, in a few years, the first man in the kingdom, when the posterity of York were pensioners on another’s bounty, in a foreign land. At home and abroad the sentence excited universal detestation. The case was printed at London, and had a great effect in confirming the English patriots in their dread of a popish successor, whose tyrannical disposition had been displayed with such unmitigated violence, against a nobleman whose only crimes were his estates and his religion. “I am not acquainted,” said lord Halifax to the king, when he heard it, “with the laws of Scotland, but the law of England would not have hanged a dog for such an offence.”*

LXXV. In Scotland, the consternation among the presbyterians was universal; and the most obnoxious of those who had opposed the test, the earl of Loudon, Dalrymple of Stair, and Fletcher of Salton, retired to the continent; and others of the principal nobility rather resigned their heritable ju-

given, and that things looked more dangerous and difficult-like, he thought fit to advise with an honest old Oliverian, captain Lockyer, about their safe getting to London, who generously offered to conduct my lord Argyle safely thither; which he did, bringing him first to Battersea, four miles above London, to Mr. Smith’s, a sugar baker’s house, whose lady was a very pious, wise, and generous gentlewoman. They were rich, and had no children.” *Memoirs of William Veitch, written by himself, pp. 133, et seq.*

* Fountainhall’s Decis. v. i. 166.—Diary, p. 20.—Law’s Memoriall, 269.—Argyle’s Case, Wodrow, v. ii. 205.—Burnet, v. 329.

risdiction than receive it.* Even the episcopalians began to be alarmed, when they perceived that uniform loyalty and suffering in the right cause was no protection, if the smallest deviation was made from unlimited submission. Argyle's first entrance upon public life had been as an officer in his majesty's service, and although commissions were then granted by parliament, he had preferred holding one direct from the king. He gratified him by an assiduous respect, at a time when others, who now talked big, had neglected him, which Charles himself had acknowledged. When Scotland was overrun by Cromwell, he had almost alone asserted his right, nor did he lay down arms till Middleton had sent him orders to capitulate; and so obnoxious had he been to the opposite party, that he was forfeited and kept prisoner for his attachment to the king, till the restoration. He had raised his clan to suppress the insurrection at Pentland; in this last Parliament he had supported the lineal succession, the supplies, and the act binding the landlord for the tenant; he had enforced compliance upon his adherents; yet all could not avail when he dared to oppose the dictates of his conscience to the mandates of the duke.

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Review of
Argyle's
conduct.

LXXVI. Field preaching had ceased when Mr. Cargil was executed; and the original principles of the covenanters were only acknowledged by the persecuted wanderers, whose attachment to them was strengthened by their sufferings. Deprived of the public ordinances of religion, they continued to meet in small parties in caves and woods, on mountains and muirs, in the most sequestered places, where they read the scriptures, sung the praises of God, prayed, and exhorted each other to steadfastness and perseverance. As they had no authorised teachers, and did not deem them-

State of the
Camero-
nians.

* Among these were the duke of Hamilton, the earls of Haddington, Nithsdale, Galloway, Cassilis, Findlater, Callendar, Sutherland, the countess of Rothes, viscount Kenmuir, lords Cardross and Torphichen, who all resigned their heritable jurisdictions rather than subscribe. Those who were papists, such as Nithsdale, Huntly, &c. had them nominally conferred upon their own creatures, while they saved their consciences, and pocketed the perquisites; the rest devolved entirely upon the crown. The duke of Hamilton, however, in four months after, swallowed the oaths, and was restored to his offices and jurisdictions.—Fountainhall's notes.

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selves qualified for setting apart any of their number to the sacred office, they adopted, as an expedient suited to their distressed situation, for encouraging and supporting each other, to send delegates from these societies to a general meeting ; who, although not clothed with authoritative powers, should consult and recommend such measures as they thought most proper to be pursued, by those who remained of one mind respecting their duties as private christians, and their obligations as members of the commonwealth.

Meeting at
Logan
House.

LXXVII. The first of these meetings was held upon the 15th December, at Logan House, in the parish of Lesmahago, Lanarkshire, at which it was resolved to issue to the people, a faithful warning of the sin and danger of the time, and a declaration of their tenets, which were calumniated and reproached, both by episcopalians and by the complying part of the presbyterians, who considered open opposition to the then tyranny as madness, and thought it their duty to submit, and wait for some special interposition of providence in behalf of his afflicted people. A testimony was drawn up, such as was to be expected from exasperated men, who had more honesty than caution, and more zeal than prudence. They acknowledged subjection to lawful government as an ordinance of God ; but when all the purposes for which it was instituted were disregarded, and the fundamental constitutive laws of the country annulled ; when an inexplicable prerogative usurped in matters ecclesiastic, and an arbitrary government arrogated in civil affairs ; when parliaments were so prelimited by a contradictory test, that no honest man could sit in them ;—“ what,” they asked, “ shall the people do in such an extremity ? Shall they give up their reason as men, their consciences as christians, and resign their liberties, fortunes, religion, their all, to the inexorable obstinacy and incurable wilfulness and malice of those who, in spite of God and man, are resolved to make their own will the absolute and sovereign rule of their conduct ? Shall the end of government be lost through the weakness, wickedness, and tyranny of the governors ? Have not the people, in such an extremity, good ground to make use of that natural and radical power they possess to shake

Their de-
claration.

off the yoke?" They then disowned the authority of Charles Stuart, as in the Sanquhar declaration; and after enumerating the crimes by which he had forfeited the throne, in conclusion, offer to prove that they have done nothing contrary to the ancient laws of the kingdom in endeavouring to restore the constitution in church and state, as established with the universal consent of the nation, in 1648-1649; but declared against what had been done by Charles Stuart and his accomplices, in prejudice to the ancient laws and liberties of Scotland, in all his pretended parliaments since 1660 last; particularly the late parliament holden at Edinburgh, by a commissioner professedly popish, and for villany exiled his native land—"and especially that abominable, ridiculous, unparalleled, and soul-perjuring" test.*

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LXXVIII. About forty men armed, proceeded to Lanark, (January 12,) and with great solemnity, after burning the test act, read their declaration, and affixed it to the cross. The privy council, as soon as they heard of the transaction, ordered this paper, together with the solemn league and covenant, to be burned with equal ceremony at the cross of Edinburgh, which was accordingly performed upon a high scaffold, by the hands of the common hangman, the magistrates attending in their robes; and the town of Lanark was fined in six thousand merks for not hindering the publication, which it was impossible for them to prevent.†

1682.
They burn
the test at
Lanark.

Privy council
burn the
solemn
league and
covenant.

LXXIX. Having now got rid of the English parliament, and triumphed over the patriots, Charles permitted his brother to return to court, whither he was followed by a letter from the Scottish prelates to the archbishop of Canterbury, applauding his measures, which had promoted the peace of the country, by restraining the humours of the wicked fanatics; and his zeal—the zeal of a papist!—to which they attributed the stability of the episcopalian church.

Duke of
York re-
turns to
court.

LXXX. In the beginning of May, the duke paid a final visit to Scotland, to arrange the government, and carry his

His last
visit to
Scotland.

* Some exceptionable passages in the declaration were afterwards disowned in the informatory vindication.

† Faithful Contendings, p. 9, *et seq.* Informatory Vindication, p. 10, *et seq.* Fountainhall's Diary, p. 21.

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1682.
His narrow
escape.

Leaves
Scotland.

Obsequi-
ousness of
the coun-
cil.

family to London. On his passage down, the vessel in which he was, struck upon a sand bank, the *Lemon-ore*, and went to pieces. He escaped himself with some favourites in his barge, and several others were saved by boats from the *Mary yacht* that accompanied him. Bishop Burnet tells us he showed more anxiety to preserve his priests and his dogs than the lives of the perishing passengers and crew,* a story his apologists have endeavoured to discredit by a still more apocryphal tale, that the sinking wretches, unmindful of their situation, gave three shouts when they saw him ascend the side of the vessel in safety.†

LXXXI. After placing the administration in the hands of his confidential friends—*Queensberry*, raised to a marquise, being appointed treasurer; *Perth*, justice general; and *Gordon of Haddow*, created earl of *Aberdeen*, chancellor—James took his leave of the council about the middle of the month, and at parting, recommended to their care the support of the prelates and the suppression of their opponents, particularly in *Ayrshire*, *Clydesdale*, *Teviotdale*, and *Fife*, whither he advised additional troops to be sent and quartered. They, in return, “thanked him for the excellent pattern of government he had left them; begged the continuance of his kindness as one of the greatest blessings they could enjoy; promised their consent and firm adherence to his interest upon every occasion; and requested that he would only acquaint them with what appeared to him proper for his majesty’s service, as they had resolved to follow his measures as the most infallible that could be prescribed.”

LXXXII. In whatever else they may have failed, the new administration were not deficient in acting up to the rigour

* Among those who were drowned were his own brother-in-law *Hyde*, the earl of *Roxburgh*, sir *Joseph Douglas*, the laird of *Hopeton*, and a number of other eminent noblemen and gentlemen.

† *Dalrymple*, vol. i. p. 19. *Burnet*, vol. ii. p. 341. *Laing*, vol. iii. p. 134. This is copied from *James’s own memoirs*, vide *Clarke*, vol. i. p. 730. *Pepys*, who was present, says nothing of the shouting: “the duke himself, by the single care of captain *Legg*, was first sent off in the boat, with none but Mr. *Churchill* in her, to prevent his being oppressed with men labouring their escapes. Some two or three did fling themselves after him into her,” &c.—*Pepys’s Private Correspond.* p. 58.

of their instructions. General Dalziel was immediately urged to a more strict inquiry after the delinquents who had not yet compromised, and to some more effectual method of enforcing a regular attendance upon their parish churches by both the well and the ill affected. He was to make a narrow scrutiny into such of the forfeited estates, as by false clemency or evasive contrivances, were enjoyed by the wives, children, or friends of the rebels for their behoof; and, together with the earl of Dumfries, Meldrum, and Claverhouse, adopt the most efficacious measures for exacting the penalties incurred; which, from the indefinite nature of the crimes to which they were attached, was a general commission to these officers to harass, fine, and plunder the devoted counties at pleasure.

LXXXIII. A meeting in the month of June, of about twenty representatives from the societies at Talla linn, Tweedsmuir, exaggerated by the fears or the malice of the curates into a large armed assembly, induced the council to create, by a proclamation of "hue and cry," another new species of criminal offence; whoever heard of two or three of the wanderers meeting together, were required to give notice to the next officer of the army, or magistrate of the county, who were commanded to raise the inhabitants, pursue and imprison the offenders, and send them to Edinburgh to stand trial; and whoever, knowing of such meetings, did not give information, or received such information and did not follow it out, or any who refused to obey the summons when called, were all to be reported equally guilty with the proscribed offenders. Finding, however, that the magistrates could not entirely divest themselves of feelings of compassion, commissions were issued to military officers and members of the privy council, to confer with the sheriffs, bailies of regalities, and other functionaries, to call before them every suspected person, to pronounce sentence and order execution according to the nature of the charge, and if the magistrates were unwilling to concur, to act by themselves, hold justiciary courts, and even call them to account for their contumacy. Armed with such powers, the commissioners spread dismay over the middling and lower ranks, while the council carried equal terror among the higher.

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1682.

Military in-
quisition.Meeting at
Tweedsmuir.Oppres-
sion in-
creases.

BOOK
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1682.
Lady Douglas of Ca-
vers fined
and impri-
soned.

Where evidence could not be procured, the prisoners were required to clear themselves upon oath, and if they refused to answer were held guilty. The lady of Douglas of Ca-
vers, because she would not swear that she had not been present at any conventicle since 1679, was fined five hundred pounds, and confined in Stirling castle upwards of two years. The case of Hume of Hume requires to be a little more fully detailed.

Hume of
Hume—
first prose-
cution
dropped—
recommi-
ted.

LXXXIV. On the 15th of November he was indicted for ris-
ing in rebellion, and carrying arms at some rencontres; but easy as it was to procure witnesses at this time, the public prosecutor entirely failed, and the prosecution was dropped. Instead, however, of being dismissed, he was recommitted upon a new warrant, and on the 20th of December brought a second time to trial. He was charged with having come to the house of sir Henry M'Dowal of Mackerston, besieged it, and called for horse and arms, and on being bolted out, with having next proceeded to Kelso, Selkirk, and Hawick, in martial array, endeavouring by force to procure the mu-
nitions of war, and also with diverse hostile acts in resisting the king's troops, and intending to join the rebels at Both-
well. For all the charges brought against him, there was no evidence except that he had been at Mackerston house; and he offered to prove that he only called accidentally, accompanied by a single servant, when he proposed to purchase a bay horse from sir Henry. The lord advocate opposed the prisoner's being allowed any exculpatory proof, in which the judges concurred, and the jury brought him in guilty of commanding a party of the rebels' horse, and be-
sieging the castle of Hawick, a crime to which none of the witnesses had sworn.

Charges a-
gainst him.

Refused
exculpatory
proof—
found guilty.

LXXXV. Mr. Hume earnestly entreated that his execution might be delayed till his case could be represented to the king, but this was peremptorily refused; and when some of his friends at court, anticipating the issue of his trial, had procured a pardon, the earl of Perth kept it up, while the countess inhumanly insulted his weeping wife, who, on the morning of his execution, besought her interposition, and urged the wretched state to which an unfortunate widow would be left with five small helpless children. Hume died in peace, and in the sure and certain hope of a joyful re-

Perth
keeps up
his pardon.

surrection; but his last words, collected, calm, and moderate, without those transports which are denominated enthusiastic, demonstrate the more forcibly the iniquity of times, when such men were put to death for matters of opinion. "He blessed the Lord that he was not come to the scaffold to lay down his life as an evil-doer; and although he confessed himself a sinner by nature as others, yet," he added, "through grace I hope I am planted in Jesus Christ, in whom I have redemption and remission of sins through his blood;" "and here, I dare say, it has ever been my study to keep a conscience void of offence towards God, and also towards man. The world represents me as seditious, and disloyal, but God is my witness and my own conscience also, of my innocency in this matter. I am loyal, and did ever judge obedience unto lawful authority my duty, and the duty of all Christians. I was never against the king's just power and greatness, and this I commend to all that hear me this day; but all a Christian doth must be of faith, for what clasheth with the command of God cannot be our duty; and I wish the Lord may help the king to do his duty to the people, and the people to do their duty to the king." He expressed his ardent desire for the forgiveness of his enemies, recommended his bereaved family to the protection of providence, and closed his devotions on earth by singing the last verse of the seventeenth Psalm, "As for me I will behold thy face in righteousness—I shall be satisfied when I awake with thy likeness." It is some consolation to know that his estate was restored to his family at the revolution.

His speech
on the scaffold.

LXXXVI. Treated with similar injustice, the humbler victims were exposed in addition to the brutal insults of vulgar ferocity, but the barbarism was not always confined to the lower ruffians of this infamous government; major White, when one James Robertson a pedlar, resident in Stonehouse, refused, upon his examination before him, to answer questions criminating himself, had the indecency, though his judge, to pull him by the nose, and wring it till the blood gushed out. When the poor man was committed to prison, and with a fellow-sufferer, endeavoured to join in worshipping God, the captain of the guards rushed in and took the

Case of
James Robertson, a
pedlar.

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Bible from his hands. At Linlithgow, on his way to Edinburgh, because he would not drink the king's health when tauntingly ordered, he was tied head and foot together by the soldiers, and left to pass a cold night on a damp floor in that miserable plight; next day he was bound tightly upon the bare back of a horse, and thus carried to Edinburgh, where, without any other crime than his own answers to the questions put to him upon his trial, he was condemned as guilty of treason. On the scaffold, when he attempted to speak, the drums were ordered to roll, and for complaining of this interruption, Johnston, town-major, who attended the execution, in defiance of common decency, beat him outrageously with his cane at the foot of the ladder.

Of William
Cochrane.

LXXXVII. Together with him, William Cochrane, a countryman, was put to death. His treason consisted in refusing to say, "God save the king." Forgetful of the unfeeling and wanton tyranny which consists in inflicting extreme punishment for trifling offences, some writers have represented the sufferers as foolishly throwing away their lives on account of a ridiculous scruple; but this plain peasant, in a paper he left, stated the grounds of his refusal—and they were the general sense of the persecuted—in a manner that evinced at once the strength of principle, and the correctness of understanding by which it was dictated: "Now the main article of my indictment upon which I have received my sentence of death from men was, that I would not say, 'God save the king,' which—as they have now stated him an idol in the Mediator's room—I could not do without being guilty of saying AMEN to all that he hath done against the church and people of God; against the true subjects of this kingdom, and against the ancient and fundamental laws thereof."

LXXXVIII. Lower officers about courts of law in general acquire an insolence and brutality of manner which, even when their superiors are upright and humane, often produce unnecessary rigour towards those who are unfortunately subjected to their power; and when—as during this period—the seats of justice are filled by men, themselves unfeeling and ferocious, it is not to be expected that their myrmidons should be distinguished for sympathy or kindness in the

1682.

Inhuman
conduct of
the sol-
diery.

execution of their instructions. But if these myrmidons are the military, the grievance becomes intolerable beyond expression. Illustrations of this might swell a volume. I select the following example: A party of soldiers in the west having apprehended about thirty persons in different parishes for the heinous crime of not attending the ministration of the curates, they were marched from Hamilton to Lanark, and confined during the night in a dungeon so filthy that they could neither sit nor lie, but were obliged to stand the whole time, without meat, drink, or fire, though it was in the month of November. Next day, horses and a guard of dragoons were provided to take them to Edinburgh. The horses when brought, had sunks, [straw cushions or load saddles,] but the commander, James Irvine of Bonshaw, considering this as too great an indulgence, ordered them to be removed, and after tying the prisoners by the arms two and two, placed them upon the bare backs of the horses, and fixed them by twisting their legs under the bellies of the animals, binding their ankles together with cords so hard that they lacerated the flesh. They then set off at the gallop; and when their tormentors stopped at a public house or inn by the road, the same wretch would not suffer them to be untied for any purpose, nor, while their guards were carousing, were they allowed the smallest refreshment. So terrible were the effects of this horrible ride, that the poor men were, for a considerable time after their arrival in Edinburgh, unfit either to walk, stand, or sit.

LXXXIX. Lauderdale, nearly about the same time, left the stage.* Broken down by intemperance, his body enfeebled by corpulence, and his mind by disease, his influence, which had been some time on the decline, did not outlive his faculties, and both were extinct before his dissolution. His last years of disease and disgrace were imbittered by the domestic tyranny of a woman whose avarice stimulated him to plun-

Death of
Lauder-
dale.

* "The duke of Lauderdale died 24th August, 1682, at Tunbridge Wells, the learnedst and most powerful minister of state in his age. Discontent and age were the chief ingredients of his death, if his duchess and physicians were frie of it, for she abused him most grossly, and had gotten all from him she could expect, and was glad to be quyt of him." Fountainhall's Notes, p. 29.

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1682.

His charac-
ter.

der his country, and whose insatiable rapacity left only the wrecks of his fortune to descend, with the title of earl, to his heirs. He did not belie the usual adage, that every apostate is a hater of his sect.* At the outset of life he was a zealous covenanter, assumed the habits of devotion, and was reckoned pious. During the protectorate, while confined in the Tower, he corresponded with several of the most eminent divines; and his letters, still preserved in the advocates library, are written in a strain of religious feeling which forbid the supposition that, when he wrote them, he was other than sincere. At the restoration, his lust of power predominating over his sense of religion, he sacrificed both his early professions and early friends to ambition; but the rage excited by the firmness of the presbyterians, and the fury with which he persecuted, betrayed a lurking consciousness of having acted wrong, that all his vehement dissipation was inadequate to conceal. His personal appearance was coarse and unprepossessing, his hair red, and his face bloated; his manners were boisterous, his address ungracious, and his articulation indistinct. Irascible and vindictive, tyrannical and base, he was alternately the sycophant and the oppressor. The immorality of his private kept pace with the depravity of his public life, and the learning and abilities he undoubtedly possessed, only deepened the guilt he incurred from their prostitution. He departed amid the contempt of his friends and the abhorrence of his enemies, and his memory remains as a beacon and a mark of scorn to posterity.

Hatton ac-
cused of
perjury.

xc. Virtuous men do not always lose their influence with their offices—the wicked often do it before. No sooner was Lauderdale's power perceived to be in the wane, than his friends were deserted, and some even of those who had supported his worst measures, turned against him. His brother Hatton was attacked in parliament, for perjury in Mitchell's case. His letters to lord Kincardine, attesting the promise of pardon, were produced, and his evidence, denying the fact, was on record; but the inquiry was quashed, as the king had approved of the proceedings, and the duke

* Omnis apostata suæ sectæ osor.

was for the time satisfied with his exposure. As villanous, though not so fatal a case of subornation was likewise detected, and investigation suppressed. Lord Bargeny had been imprisoned on a charge of accession to the rising at Bothwell; but after being twice brought to trial, and no proof adduced, he was liberated by command of the king, upon giving ample security to appear when called. When at liberty he discovered, that Hatton, the earl of Moray, and sir John Dalrymple, had promised some prisoners who had been at Bothwell a large share in his confiscated estates, if they would swear that he had influenced them to join the rebels, or that they carried a letter from him, inclosing another from his relative, the duke of Hamilton, to Mr. John Welsh, inciting them to rise;* but when the day of trial came on, their hearts failed, and they refused to swear. This his lordship offered to prove; but as some of the duke of York's party were implicated, he was prevailed upon to refer the case to the king, and it was no more heard of. Scarcely, however, was his brother cold, ere he, now earl of Lauderdale, was turned out of the mint, and had a ruinous prosecution for malversation instituted against him, his office of depute-treasurer given to Drummond of Lundie,† his place in the court of session to Wauchope of Edmonstone, and the sheriffship of Mid-Lothian to the earl of Dalhousie. With him fell the power of the Maitlands—a family, from the days of the reformation, not less remarkable for the vicissitude of their fortunes, than the eminence of their talents, and the versatility of their principles. Upon Lauderdale's death, Middleton was associated in the secretaryship with Moray.

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XVII.

1682.

Of subor-
nation.Turned out
of all his of-
fices.

xcī. Oppression is naturally progressive. The severities already exercised had driven multitudes back to the churches; but this forced compliance only imbittered a hatred against the curates, which they continued to exasperate, by being the most active agents of persecution. In their visitations, instead of coming to instruct, admonish, or console, they came to note down who were absent from service, who had meetings for social prayer, or who maintain-

1683.

Conduct of
the cu-
rates.

* Cunninghame of Montgrennan's Declaration.

† Brother to the earl of Perth, afterwards lord Melfort.

‡ Fountainhall's Notes.

BOOK
XVII.

1683.

Enlarged
powers
granted to
the justiciary.

Case of sir
John Dalrymple.

More ample instructions to the military commissioners.

ed the worship of God in their families—sure indications of presbyterianism—and to report them as proper objects for the superintending care of the soldiery. The justiciary powers granted to the commissioners in the end of the year 1682 having been found insufficient for eradicating these noxious practices, and producing true episcopalian conformity, they were enlarged at the commencement of the next; to comprehend all “suspected to be guilty of conventions, disorderly baptisms and marriages, withdrawing from public ordinances, and other disorders;” and under pretence that the accused fled from one shire to another to avoid citation, they were allowed to appoint deputies, that their illegal tyranny might be more diffusive and minute. Those who imposed and levied the fines, as they shared the plunder, usually made the extent enormous and the exaction rigid; and when landlords who were magistrates, interposed to avert the entire spoliation of their tenantry, they only involved themselves in the general ruin, and increased the evils they endeavoured to alleviate. Claverhouse, whose rapacity was equal to his cruelty, complained against sir John Dalrymple, heritable bailie of the regality of Glenluce, for interposing, by collusive decreets, to exempt his own and his father’s tenants from the full legal penalties incurred by their absence from church and similar delinquencies. Sir John was fined in the sum of five hundred pounds, and deprived of his heritable baillery for life, because he had weakened the hands of his majesty’s authority, and the council’s and their commissions, and interfered with them.* And they immediately issued more ample instructions to their military commissioners, authorising them to call for the books and records of the sheriffs and bailies of regalities, to examine what fines had been imposed in cases of church disorders, and if they found that any who were guilty had not been fined, or not fined to the full extent the law allowed, they were to exact the penalties to the utmost, without regard to any receipts, except for particular crimes, which were to be taken in part payment, and to report to the council the magistrates guilty of such negligence or collusion. Where tenants were also petty heritors,

* Fountainhall’s Decis. vol. i. p. 214.

they were to be rated according to whatever capacity would bear the greatest fines.

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1683.

XCII. Cases of non-conformity or non-attendance in women, had been omitted in the act, they were therefore legally exempted from trouble; the magistrates of Edinburgh, however, started doubts upon the subject, and submitted as queries to the council, whether non-conforming ladies, whose husbands were absentees, should not also be fined? or whether, when husbands were regular, they should pay for their wives' irregularities? The council in both cases, ordered the fines to be levied; and besides, gave it as their opinion, that fathers were also liable for their children's appearance in church, after they attained their seventh year. Presbyterian writers lament the many and violent family dissensions to which this gave rise;* but the rulers of that day were alike regardless of the bonds of affection or the dictates of nature; or rather, they considered them only as means by which they could more exquisitely add to the sufferings of the afflicted, or more effectually suit their purposes of extortion. The penalty for intercommuning with a person's nearest relation, if he were denounced, was death; and some idea may be formed of the mercy of the times, when the commutation of a capital punishment for a heavy fine, in a case of the most favourable nature, was considered an act of clemency. Andrew Herron of Kerrochtree in Galloway, having merely spoken with his own son and son-in-law, who had been at Bothwell, when accused of the crime, pleaded ignorance of the statute, and threw himself on the council's mercy; "who, having considered the specialities in his case," recommended to the chancellor to interpose for a remission both as to his life and estate; "but that others might be deterred from harbouring and resetting rebels, though never so nearly related, the council desired his lordship to procure a letter, under his royal majesty's hand, authorising them in this case to impose such a fine as they think just and fit."

Council
fine Wo-
men and
children for
non-con-
formity.

Andrew
Herron for
intercom-
muning
with his
son.

XCIII. But the proceedings of the court of justiciary this year assume still more revolting features. They commenced

Proceed-
ings of the
court of
justiciary.

* Law's Mem. p. 241.

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1683.

Martin of
Dallarg's
renuncia-
tion.

under authority of a letter procured from the king,* by depriving the pannels of their privilege of having a list of the witnesses to be brought against them furnished before trial, and ordered them to be examined upon oath before themselves privately, previously to their being produced in court.† The first recorded case was disposed of in a manner not very consonant to modern ideas of justice. A William Martin, younger of Dallarg, after his indictment was read, declared his innocence of the treason with which he was charged, and his willingness that his trial should proceed, but produced a renunciation of all his property into the hands of the king; and their lordships, in respect of the said renunciation, deserted the diet against the pannel *simpliciter*, and ordain him to enact himself to compear when cited.‡ This precedent was quickly followed up, and many gentlemen knowing that innocence was no security, rather than stand trial, redeemed their lives by surrendering their estates, or sacrificed a part to preserve the remainder.

xciv. All these unusual and illegal stretches were preparatory to a trial which filled the whole south and west of Scotland with consternation, as it went directly to establish a treason comprehending an unlimited danger of an unavoid-

* The king's letter, dated 30th December 1682, is recorded January 8, 1683. Before this a precognition used to be taken before the council or the lord advocate, previously to the witnesses being publicly examined, but not upon oath.

† Lord Fountainhall mentions—"In this case the king's advocate brought in several witnesses prisoners by a squade of the king's guard, which had not usually been practised before;" and they appear to have been examined as to the facts of the case before the court pronounced upon the relevancy of the indictment, they were afterwards examined in presence of the jury. *Decis.* vol. i. p. 213, 214.

‡ The form of the renunciation is curious: "Be it kend to all men, me William Martin, eldest son to James Martin of Dallarg; forasmuch as I am pursued before the lords of justiciary, for alledged being in the rebellion 1679, and seeing I am neither heritor, nor guilty of the said crime; therefore, in their presence I renounce and resign in favour of the king's most excellent majesty, the lord high treasurer and treasurer-depute, all lands and heritages befallen to me, wherein I was infested, or had a right before the said rebellion or his majesty's gracious indemnity; and oblige me, my heirs and successors, to denude myself hereof *omni habili modo* at sight of the lord treasurer or treasurer-depute, and consent these presents be registered," &c.

able offence wherever persons justly or unjustly denominated rebels might seek refuge. William Laurie, tutor of Blackwood,* who was distinguished by the whigs as a government agent or spy, and treated by the episcopalians as a tool and disaffected,† a person little respected by either party, was pitched upon as a proper subject for making an experiment how far a prostituted bench would go, and how much the depressed spirit of the country would bear. He was prosecuted for conversing with and resetting rebels who had been at Bothwell, and allowing some of his tenants engaged there to return and reside on his grounds. His defences were clear and irrefragable; he was not an heritor but tutor of the estate, and usually resided in Edinburgh, where the Porteous rolls never were published,‡ and he had no opportunity of knowing who were reputed rebels. The persons he was accused of conversing with had neither been convicted, pursued, nor intercommuned; were besides included in the indemnity, and had resided openly and without molestation for two years in the country. But the lord advocate contended that if persons were in fact rebels or notoriously suspected, it was not necessary that they should have been legally convicted in order to render it treason to converse with them; and the judges concurring in this opinion, proof was allowed to be led. Laurie's counsel then desisted from any farther unavailing opposition, and he threw himself upon the mercy of the court. Witnesses were however adduced to establish the fact of converse, and all the forms of unsubstantial justice being gone through, he was found guilty and condemned to lose his head. Owing to his humble submissions, and the interest of the marquis of Douglas, whose chamberlain he was, his sentence as far as regarded his life was repeatedly respited, and finally commuted; but his forfeiture was justly considered as laying almost the whole property of

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1683.

Laurie, tu-
tor of
Black-
woodcondemned
for re-
setting re-
bels.His sen-
tence com-
muted.

* William Laurie married Marion Weir, heiress of Blackwood, and was tutor of Blackwood during the minority of his son and grandson. Douglas Bar. 155, Inq. de Tutela 1056. Burnet calls him Weir, Hist. vol. ii. p. 343.

† Fountainhall's Decis. vol. i. p. 205. Wodrow, vol. ii. p. 273. Wallace's Narrative, 406, *et seq.* Wodrow, vol. iv. p. 107, appendix, vol. ii. p. 390.

‡ The rolls of the accused were enormous, that for the shire of Ayr consisted of upwards of three hundred sheets of paper; for Lanark upwards of two hundred. Wodrow, vol. ii. p. 316. Law's Mem. 255.

BOOK
XVII.

1683.

the country at the feet of the privy council, who could scarcely ever fail in procuring evidence, much stronger than what had sufficed in the present case, against any person they chose to accuse.

Atrocious
proclama-
tion.

xcv. A proclamation [April 13th,] fully justified the darkest forebodings. Uniting cruel insult with aggravated persecution, his majesty was made to express his high satisfaction at the successful method his council had fallen upon for settling the peace of his ancient kingdom, and his regret for the too great favour and indulgence he had granted the fanatic party, which had only emboldened them to abuse his goodness. But now he declared his royal inclination and firm resolution more than ever to extirpate and root out these seditious and rebellious principles, and maintain the established church government, by putting the laws vigorously in execution against all who should reset or converse with "notour rebels;" albeit, neither forfeited as traitors, nor denounced and registrate at the time for rebellion, and by causing his advocate to summon before the privy council, —who were authorized to punish as they should see most convenient for his majesty's service—all who were suspected of intercommuning or conversing, by chance or accident, with the disaffected; and in case they refused to appear or to depone when called upon, to be held as confessed, and treated accordingly.

Circuit
courts sent
to enforce
it.

xcvi. In addition to all the other ramifications of judicial and executive power, circuit justiciary courts were appointed, to carry the purport of this proclamation into effect in the south and west districts, where at least twenty thousand persons were involved;—as all after the act of indemnity had freely and without dread conversed with persons who had been in the rising. The only alternative proposed to the majority of this population was to perjure themselves by taking the contradictory test, or suffer forfeiture, exile, or slavery, for not even the shade of the shadow of a crime.

Occasion
enormous
expense to
the coun-
ties.

The march of these ambulatory courts was like the desolating sweep of an invading army; an enormous expense was incurred by the counties through which they passed, not only by the interruption they occasioned to the labours of honest industry from the multitudes who were cited as pan-

nels or witnesses, and kept idle during the dependence of the trials, but from the sums required to maintain the accused at a distance from home, the bribes they were under the necessity of bestowing to procure common civility from the officers of court, the expense of the witnesses summoned against them, and the fines and other exactions of the clerks.*

xcvii. Having been previously tried and acquitted was no security against the harassing proceedings of these courts, which, after hearing the cause, possessed the power of remitting to Edinburgh; and thus a prisoner was sometimes arraigned three times for an offence of which he was guiltless. James Muirhead of Brashholm, Lanarkshire, younger, who was brought before the circuit at Glasgow, for being with the rebels at Bothwell, was one of many who were similarly treated. His case is narrated by himself; being short, I quote as an example his petition to the lords for final liberation: he represented, "that being formerly (1681) brought before their lordships for his alleged accession to the late rebellion at Bothwell, and exact trial made, and SEVEN HUNDRED *witnesses*! or thereby, being examined against him, nothing of guilt could be made appear, the diet was deserted *simpliciter*—yet without any new warrant he was put upon the Porteous roll, carried to Glasgow, where he urged a trial, but was remitted prisoner to Edinburgh; that he was ready to go to trial and exculpate himself by 'famous witnesses.'" He was in consequence set free, but had no redress for the injuries he had suffered.

Case of
Muirhead
of Brash-
holm,

xcviii. Another trial, which came before the justiciary at the same time, is calculated to excite our astonishment at the escape of Muirhead. Robert Hamilton of Monkland was charged with keeping a council of war with the archbishop of St. Andrew's murderers, or at least of conversing with them, and of having received rent from a tenant who had been at Bothwell. Hamilton frankly acknowledged having

of Hamil-
ton of
Monkland.

* The charges at these circuits were not however always for sedition. "At Stirling, one was convened for reviling the minister, in causing the piper play *the deel stick the minister*. Sundry fiddlers were there present to declare it was the name of the tune."—Fountainhall, vol. i. p. 234.

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1683.

His de-
fence.Sir George
Mackenzie's
reply.

Found guilty.

His punish-
ment.

conversation with the rebels, but not treasonable; "he had ever," he said, "been orderly and loyal, had attended his parish church regularly, paid cess, and had never in any shape joined with the disaffected. So far from that, when they assembled in numbers near his property, he retired to avoid them; but learning that his son, a child about seven years of age, had after nightfall wandered, and supposing that some of his servants might have carried him to Shawhead muir, where there was a crowd of spectators looking upon the encampment, he went thither and found him, but he did not when there, either mix or rendezvous with the rebels, and in half an hour left the place and went to his own house. He continued for some days after to reside in Hamilton, whence he sent an earnest request to his brother-in-law, who was with the rebels, to leave them immediately, as their enterprize would be ruinous;" and with regard to his tenants, they had embraced his majesty's indemnity, of course it could be no treason to converse with them. To this plain story sir George Mackenzie had the unprincipled hardihood to reply, "That the act libelled was treasonable, and circumstances could never palliate nor alter it; they could only prove the intention with which he went among the rebels, and about that he—the public prosecutor—was not at all obliged to inquire." Hamilton was found guilty, forfeited, and adjudged to lose his head. Upon petitioning, however, and offering to take the test, sentence of death was remitted; but he was amerced in eight years rent of his estate, amounting to sixteen thousand pounds: was imprisoned seventeen weeks; and his son, after the revolution, had to part with the half of his patrimony to relieve the remainder from the expenses of this process.* All the instances of legalised robbery and extortion upon these circuits it would be impossible to enumerate; and those who were declared fugitives were so numerous, that the printed rolls of the proscribed were compared to the

* Among the instances of exorbitant fining at this period, was sir William Scott of Harden. He was fined fifteen hundred pounds sterling for his lady's withdrawing from church. Sir George Mackenzie, lord advocate, got a gift of the fine, which he exacted with interest.—Fountainhall, vol. i. p. 302.

terrible writs of the bloodiest period of republican Rome, the *longa tabula Syllanna*.*

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XCIX. A species of oppression less productive, yet perhaps more criminal, helped to fill up the iniquity of the times. Mad at the idea of having perjured themselves, several of the persecutors, with true diabolical malignity, rejoiced at the thought of involving others in similar guilt. Johnstone, laird of Westerraw, having ordered intimation to be given in the church of Moffat, that next day he would administer the test in that parish, when the whole heads of families were commanded to be present and take it, exclaimed with an imprecation, "that before to-morrow night they should all be damned as well as he."† This horrible feeling was not, however, confined to the lower ranks of despotism; the whole government in their anxiety to press the test, breathed the same spirit—although not so coarsely expressed—of inveterate determination to destroy all sense of honour in the land, and procure associates in sin by forcing every man of integrity to violate his conscience, or lose his living. Numbers of well-educated young gentlemen, who had studied with an intention of devoting themselves to the ministry, but were prevented by the state of the church, and numbers of the presbyterian preachers, who were deprived of any other means of subsistence, had procured admission into noblemen's families as tutors, or under the designation of physicians acted as chaplains, without being subjected to any other difficulty than the discharge of an arduous duty imposed, were now prohibited from exercising these functions, without taking the test and being furnished with a licence from their ordinary; and any person employing those who were not qualified, were liable to be very severely fined:—an attempt thus to poison the sources of youthful instruction, by committing the charge of their tender minds to men regardless of the sacred obligation of an oath which can scarcely be mentioned in terms of sufficient reprobation.‡

1683.
Horrible
methods of
oppression

and demo-
ralization.

* Fountainhall, vol. i. p. 235.

† Claverhouse was an adept in the same species of mental torture, but his exploits in this way occurred chiefly during the reign of James VII.—Wodrow, vol. ii. p. 512, *et seq.*

‡ Scottish Acts, vol. vii. Wodrow, vol. ii. App. p. 33.

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1683.

Rye-house
plot.

c. Deplorable as the state of the Scottish presbyterians was, what tended to aggravate their sufferings, and for a while seemed to preclude all hope of deliverance, was the discovery about this time [July] in England of the Rye-house-plot, which enabled Charles to satiate his vengeance upon the friends of freedom in that country; and banish even the semblance of constitutional freedom from the whole island during the remainder of his reign. The exclusionists, when deprived of every legal means of carrying their object, urged on by the impetuous Shaftesbury, had consulted about preventing York's succession by force of arms; but as they wished to act with more moderation than suited the temper of that nobleman, he retired in disgust to Holland, where he died. As the court, however, increased its arbitrary measures, and the city of London was exasperated by the loss of its privileges, the leading conspirators, Monmouth, Russell, Sydney and Hambden, continued their deliberations, and naturally looked for co-operation from the Scottish patriots; who, still more apprehensive of a popish successor than themselves—having experienced already the effects of his influence as viceroy—were preparing to leave their native land.

Participa-
tion of the
Scottish
presbyteri-
ans in it.

ci. Sometime in the year 1682, about thirty-six leading noblemen and gentlemen, among whom were the earls of Callendar and Haddington, lords Cardross and Yester, Hume of Polwart, and the advocates, Lockhart and Gilmour, had entered into a negotiation with the patentees of Carolina, for an extensive tract of country, where they might enjoy their religion, liberty and property, for none of which had they any security at home. In their journeys to London on this business, they first formed an acquaintance with the English malecontents, and afterwards used it as a pretext for visiting that capital, and keeping open an intercourse with them. When communicating their grievances to each other, the probabilities of terrifying or forcing the king into measures more consonant with the freedom of his people and the stability of the protestant religion, came to be discussed among them; and several plans were proposed, although nothing definite appears to have been finally adopted. At these meetings the most zealous were lord Melville, sir John Cochrane of Ochiltree, and his son, the two Campbells of Cess-

nock, Baillie of Jerviswood, Crawford of Crawfordland, and Stuart of Cultness. By this last, Mr. William Carstairs—a presbyterian minister—afterwards well known as the confidential friend of king William—was introduced, and through him a negotiation was opened with Argyle and the Scottish refugees in Holland. Argyle proposed a rising in the west of Scotland, and required thirty thousand pounds to purchase arms, and that a thousand horse should be ready to join him the moment he landed; the earl of Tarras, Monmouth's brother-in-law, was to appear in arms on the borders as soon as the English began to move; but the parties were not agreed as to the plan; and the money, although it was diminished to ten thousand pounds, could not be raised. In this languid and disjointed state of the project, the Scottish partisans, who perceived that nothing but ruin would be the consequence of precipitating their countrymen into premature insurrection while the English were unprepared, resolved unanimously to defer doing any thing till more propitious times, and wrote to their friends in Scotland to delay taking any steps till they received further instructions. BOOK XVII.
1683.
Their plan.

cii. Unfortunately at the moment when the plan was laid aside, the whole was discovered. A separate or under plot connected with the other, was talked about among some subordinate conspirators, of whom Robert Ferguson, Shaftesbury's chaplain, notorious as a plotter, and Rumsey, an old republican officer, alone had access to the leaders of the other: it is said that they had planned to assassinate the king and duke of York on their return from Newmarket to London, at Rye-house, a place belonging to colonel Rumbold, also an old Oliverian and a maltster; but being prevented by the king's returning before the time he had appointed, in consequence of an accidental fire at his lodgings,* The plot discovered.

* Rumbold denied, upon the scaffold, any knowledge of the assassination-plot, and of his declaration Fox observes, "It has every character of truth, without a single circumstance to discredit it." History, p. 235. Yet it seems to have been spoken of, although the story of a settled scheme, even among the underlings, is not clear. Carstairs's papers, p. 10. It is certain, however, neither the English patriots, nor the Scottish, were accessory to such a design.

BOOK
XVII.

1683.
Russell and
Sydney ex-
ecuted—
Scottish
suspected
seized.

one of the accomplices, to secure a pardon or a reward, denounced the whole. Russell and Sydney—names dear to virtue and freedom—were arrested, and afterwards perished for a treason of which they were guiltless. The suspected Scottishmen, who were in London, were—except Melville and Cochrane, who escaped to Holland—arrested, and sent down to Scotland for trial. Meanwhile, Gordon of Earlstoun, who had attached himself to the persecuted wanderers, and was commissioned by the societies to represent their situation to the foreign churches, and explain their principles, which had been grievously misrepresented, was seized at Newcastle, on his way to execute his mission, and committed on suspicion of being connected with the plot.

1684.

Trial of
Campbell
of Cess-
nock.

ciii. Such had been the circumspection of the Scottish gentlemen, that no direct evidence of their connexion with the Rye-house plot could be obtained; and when sir Hugh Campbell was brought before the justiciary, [March 24,] the lord advocate was forced to have recourse to the Bothwell insurrection. Afraid of the weakness of his cause against the venerable knight, and the general respect in which he was held, the public prosecutor obtained an order of council to deprive him of the ablest council at the bar, sir George Lockhart, who, at the same time, was retained against him, on the side of the crown. The enormous crime laid to his charge was, "That having, in June 1679, met with Daniel Crawford in Galston, Thomas Ingram in Breland, John Fergusson in Catharingill, and several others of the rebels at or near the Bridgend of Galston; he, the said sir Hugh, asked them where they had been? And when they had told him they had been with the westland army, he said that he had seen more going to them than coming from them; and having asked them if they were to return, they told him they knew not. Whereupon he treasonably said, that he liked not runaways, and that they should get help if they would bide by it, and bade them take courage, or some such like words to that purpose."

Charge a-
gainst him,

Pleadings
on relevan-
cy of the in-
dictment.

civ. The pleadings upon the relevancy were long and frivolous; the arguments for sustaining it consisted chiefly of petty criticism upon technical phrases; but those against it,

divested of legal verbiage, were few and conclusive. The meeting was merely accidental; and although the men said they came from the westland army, it afforded no presumption that they were rebels, but rather the contrary. Cessnock's expressing his dislike to runaways being merely an opinion, could not imply any crime to constitute treason. The express words, the *ipsissima verba*, were requisite; especially as the conversation was alleged to have been only casual, and had taken place five years before; while here they were stated as the alternative of synonymes, which, in such a rencounter, might be easily mistaken; besides allowing them to have been treasonable, they were incompetent, as his majesty's act of indemnity [July 1679] did expressly "prohibit any of his officers or subjects to pursue any person or persons, who had spoken, written, printed, published, or dispersed any traitorous speeches, or had advised any thing contrary to the law." The lord advocate contended that Cessnock's speech was "counsel and advice," and so "art and part" treason; which was a relevant charge, and not included in the indemnity. The court acceded to the justice of the distinction, sustained the quibble, and repelled the objections. Sir Hugh's advocates then offered to prove an *alibi*; that on the day specified in the indictment he had not stirred out of his own house, and could not possibly have been at Galston bridge. His majesty's advocate contended that the defence was inadmissible, 1st, because it was contrary to the libel, and might infer perjury against his witnesses! and, 2dly, because the distance between Galston bridge and Cessnock's house was only half a mile. The court were of the same opinion, and this plea was rejected. As a last effort, his council produced evidence that the witnesses were suborned, and that one of them, Ingram, bore him deadly malice, and had vowed "he would be avenged upon him for accusing him of murder, if there was a way out of hell." Mackenzie insisted that subornation was no objection, unless the pursuers in the cause were the suborners, which had not been alleged of his majesty or his advocate; that the words spoken by Ingram were merely uttered in passion, and did not import permanent hatred. The court decided this also against the prisoner. And on

Found relevant.

Not allowed to prove an *alibi*;

nor subornation of the witnesses.

BOOK
XVII.

1684.

Cessnock's
solemn ap-
peal con-
founds the
principal
evidence.

the fourth day, at eleven o'clock at night, the witnesses were ordered to be brought in.

cv. As they had been previously well tutored, and had twice before sworn to the specific words they alleged Cessnock had used, the fate of the prisoner appeared sealed. But when Ingram held up his hand to swear, the venerable old man, fixing his eyes upon him, solemnly addressed him; "Take heed now what you are about to do, and damn not your own soul by perjury; for, as I shall answer to God, and upon the peril of my own soul, I am here ready to declare, I never saw you in the face before this process, nor spoke to you." Struck by this unexpected appeal, the self-convicted wretch declared he never heard Campbell utter the words of which he was accused. A loud shout from the surprised and delighted spectators incensed Mackenzie—his more vile employer—who fiercely exclaimed, "he believed Cessnock had hired his friends to confound the king's witnesses, he had never heard of such a protestant roar except in the trial of Shaftesbury; he had always had a kindness for the presbyterian persuasion till now he was convinced in his conscience that it hugged the most damnable trinkets in nature."

Spirited
conduct of
the jury.

cvi. When silence was restored, the earl of Perth, justice-general—whose brother, lord Melfort, had been promised a part of the forfeiture—interrogated Ingram again; but Ingram declared he could say no more than he had already said; and the earl was about to repeat the question a third time, when Nisbet of Craigentenny, one of the jury, interfered, declaring that they would only regard Ingram's first deposition though he should be examined twenty times. The justice-general, with warmth, answered, "Sir, you are not judge in this case." "Yes, my lord," replied Sommerville of Drum, another of the jurymen, "We are the only competent judges as to the probation though not to its relevancy," and the whole jury, by rising, announced their unanimity. The other witness, when brought forward, swore that he had not seen the prisoner for a considerable time either before or after Bothwell; on which another shout called forth from the justice-general and the lord advocate the strongest expressions of chagrin at the disloyalty and indecency of such

conduct, as tending to encourage rebellion, and prevent the king from ever obtaining any evidence of treason in the west.

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1684.

CVII. A little after ten o'clock of the fifth morning, the jury returned a verdict of not guilty. But the prisoner was remanded back to jail, and after some months he was sent to the Bass, and his estate forfeited. The witnesses were put in irons and kept till they declared before the privy council that they had lost their recollection through fear, when examined; and, as a proper close to the disgraceful scene, the jurymen were charged with a riot in court, and only escaped trial by making an apology.*

Cessnock
acquitted,
but sent
to the Bass

CVIII. Enraged at the escape of Cessnock, and the impossibility of eliciting any thing from Earlston, the Scottish government had recourse to a species of torture unknown beyond the boundaries of the Inquisition, to obtain information respecting the plot. Argyle's correspondence had been seized upon by major Holmes, in England, but the intricacy of the cipher defied all attempts to unriddle it, and English law forbade the question. Spence, his lordship's secretary, however, was a prisoner in Scotland, where no such humane obstruction existed, and the privy council resolved to try the efficacy of the boot. He endured with heroic resolution a first examination without communicating any thing satisfactory to his tormentors, which so exasperated them that he was delivered over to general Dalziel, with directions for him "to cause such of his officers and soldiers as he found most trusty, watch him by turns, and not to suffer him to sleep by night or by day, but use all effectual means for keeping him still awake, and to take particular notice in writ, of what he shall declare in the premises." Even this diabolical expedient failing, he was subjected to the thumbiekins, a new instrument of torture, imported from Russia by Dalziel and Drummond; but being threatened with a third infliction, and his friends informing him that government was already acquainted with the whole secret, exhausted nature could hold out no longer. Yet

Argyle's
correspon-
dence in-
tercepted.

Secretary
tortured.

* Fountainhall's Decis. v. i. 286, *et seq.*—Chronol. Notes, 104, 120, 175, 189.—Wodrow, v. ii. 381, *et seq.*

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1684.

Agrees to
do so con-
ditionally.

still he had the resolution to capitulate; and it was not till he had obtained the public faith that his discoveries should not be judicially employed, that he consented to decipher the letters, of which, as they consisted of a triple alphabet, and he had only one of the keys, his interpretation was imperfect.

Carstairs
tortured.

cix. Enough, however, was discovered to implicate Carstairs, who was accordingly interrogated before the privy council. He objected to any proceedings against him in Scotland, on account of crimes said to be committed in England, where he had been imprisoned, and to whose laws he was amenable. The lord advocate replied, "he was now in Scotland, and if he had been contriving against his majesty's government at Constantinople, he might be tried for it." He then protested against the use of the torture as being against the civil law, which allowed it only where the proof was incomplete, and against the law of the country where the crime was said to be committed, which did not allow of it at all. His objections were overruled, and under an extreme agony, which continued for an hour and a half, he remained firm, and refused to make any disclosure; but when threatened with a repetition, afraid lest his courage might prove unequal to the protracted torment, he accepted conditions similar to Spence.

cx. The discoveries thus squeezed out—as Burnet expresses it—contained nothing which in ordinary justice would have endangered any individual; "they amounted to no more than loose discourse as to what might be proper to be done for securing religion and liberty from the dangers they were then in, without any design against the royal persons of the king or his brother." But the council had no suspicion that secrets of much greater importance were intrusted to him by pensionary Fagel, and he escaped interrogations on subjects which might have led to disclosures unpropitious to the eventual and happy deliverance of the country.

cx. It was impossible, however, to conceal that there had been projects talked of respecting insurrectional movements in Scotland; and the correspondence of Argyle mentioned the earl of Tarras—a brother-in-law of Monmouth's—com-

missary Monroe, and Murray of Philipshaugh, by whose means the Scottish managers obtained what they had so earnestly wished, a handle for enlarging upon the plot, and reaching the life of a much hated virtuous individual, Robert Baillie of Jerviswood. Afraid that even with all the power they possessed of obtaining whatever verdict they chose to dictate, a mortal disease which cruel usage had produced, might prevent the legal forms necessary to ensure forfeiture, they determined, while the other process was maturing, at all events to secure the plunder. He was, therefore, accused of resetting or conversing with rebels, and summoned before the privy council; being unable to attend, he craved delay, or to be heard by counsel, but they sent him a series of queries which it was impossible for him to answer without criminating himself; and on his refusal fined him in six thousand pounds sterling.

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XVII.

1684.

Baillie of
Jervis-
woodfined for
resetting,
&c. rebels.

CXII. A partial abatement of the dangerous symptoms in Jerviswood's disorder, occasioned a new display of the cruelty of his persecutors, and his lady and sister-in-law were deprived of the privilege of attending him in prison. A relapse soon after procured the re-admission of the latter, who never from that time left him. With heroical tenderness she supported him in his last moments on the scaffold, and with more than female fortitude witnessed the full execution of a revolting sentence on the body of a man she respected and admired.* His disorder increasing, his trial was hastened, and although unable to rise from his bed without assistance, he received his indictment on the 22d of December, and was ordered to stand trial next day; while with a refinement of injustice, the two ablest advocates at the bar, sir George Lockhart, and sir John Lauder, were retained to assist the lord advocate in the prosecution. Baillie was charged with joining in the treasonable conspiracy of the country party in England, to force his majesty to call a parliament to set aside the succession of the duke of York, and secure the protestant religion; of being connected with Rumsey and others, who had compassed the death of the king and his brother; also with having been an agent for

His trial.

The
charges.

* She was a daughter of Warriston's.

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XVII.

1684.

Evidence.

getting ten thousand pounds from the English to send to Argyle in Holland to buy arms. His advocates petitioned for delay, as the citation had been so short; they contended that he had been already punished for the crimes alleged against him by his fine—that the treasons charged were all said to have been committed in England, and claimed the benefit of the English laws; but their objections were overruled as a matter of course. To the witnesses the objections were weighty, but equally disregarded. The earl of Tarras was himself at the time under process of high treason, and the hope of life might induce him to colour his evidence; and commissary Monroe had emitted a declaration against the prisoner in the immediate prospect of being tortured; yet still the proof was defective, no two witnesses swore to the same circumstance, nor did any of them prove an overt act. To supply the deficiency, recourse was had to the declaration extorted from Carstairs, which, in violation of all faith, was produced in court as an adminicle of proof, after the prosecutor had repeatedly but unsuccessfully endeavoured to prevail on Carstairs himself to appear.

Lord advocate's
speech.

CXIII. Mackenzie addressed the jury in a very virulent harangue, and insisted upon the clearness of the proof, from its superiority to that upon which two men were executed at Glasgow not long before, charged with killing two of the guards, against whom there was not even one witness, and whose refusal to deny was deemed sufficient evidence of guilt! In aggravating the circumstances of the case, sir George represented strongly the prisoner's accession to the horrible plot for assassinating the king and the duke. When he had done, and liberty was granted to the pannel to speak, the enfeebled and venerable sufferer, who had, during the fatigue of the trial, been supported by cordials, arose, wrapped in his night gown, and in a tone which disease had not been able wholly to subdue, addressed the court. His chief anxiety was to vindicate himself from any connexion with a plot for assassinating the king. "I am probably," said he, with that solemnity an immediate prospect of death is calculated to inspire, "I am probably to appear in a few hours, before the tribunal of the Great Judge, and now, in presence of your lordships and all here, I so-

Jervis-
wood's ad-
dress to the
court.

lemnly declare that never was I prompted or privy to any such thing; and that I abhor and detest all thoughts and principles for touching the life and blood of his sacred majesty or his royal brother. I was ever for monarchical government." Then, fixing his look intensely on the advocate, he addressed him, "My lord, I think it strange that you should accuse me of such abominable actings; you may remember, when you came to me in prison, you said such things were laid to my charge, but you did not believe them. How then, my lord, came you to lay such a stain upon me with such virulence? Are you now convinced in your conscience that I am more guilty than before?" He paused for a reply, and the whole audience turned their eyes towards the miserable tool of power, whose confusion for the moment paid involuntary homage to his victim, while he muttered out—"Jerviswood, I own what you say; my thoughts were then as a private man, but what I say here is by special direction of the privy council," and pointing to sir William Paterson the clerk, "he knows my orders." "Well!" replied the prisoner, "if your lordship has one conscience for yourself, and another for the council, I pray God forgive you—I do. Then, turning to the justice-general, "My lord, I trouble you no further." The jury inclosed at twelve o'clock at night, and deliberated till three next morning. At nine their chancellor, the earl of Strathmore, delivered the verdict of guilty, and Mr. Baillie was ordered to be executed the same day, at two in the afternoon; his head affixed on the Netherbow port of Edinburgh, and his quarters distributed in the towns of Jedburgh, Lanark, Glasgow, and Ayr. When sentence was pronounced, he with great composure, said, "My lords, the time is short, the sentence is sharp, but I thank my God, who hath made me as fit to die as ye are to live."

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XVII.

1684.

His appeal
to the ad-
vocate.Found
guilty—
sentence.

CXIV. After he had returned to jail, some one who was with him asked how he felt himself; with a countenance beaming joy he replied, "never better, and in a few hours I'll be well beyond all conception;" shortly after he added, with rapturous exultation, "they are going to send me in pieces and quarters through the country, they may hag

BOOK
XVII.

1684.

Behaviour
and execu-
tion.

and hew my body as they please, I know assuredly nothing shall be lost, but all these my members shall be wonderfully gathered, and made like Christ's glorious body." On the scaffold his behaviour evinced the serenity of his mind; he was unable to go up the ladder without help, and seating himself for a little on one of the steps, he began, "My faint zeal for the protestant religion has brought me here," but the drums immediately interrupted him, and he was thrown over. A short speech, which he had previously prepared, "denying his knowledge of any plot for the subversion of the government, and asserting that the sole aim of all his public conduct was the preservation of the protestant religion, the safety of his majesty's person, the continuation of the ancient government upon the foundation of justice and righteousness, the redressing of just grievances by king and parliament, the relieving of the oppressed and putting a stop to the shedding of blood," was, however, printed and circulated. Government offered the mangled remains of the dead patriot to his surviving relatives, if they would recall or suppress this document, but they had either the spirit to refuse, or the inability to comply, and the four quarters were "sodden" and sent to their destination.*

cxv. At no period in our history did the ruling powers in Scotland ever display such open flagitious contempt for every appearance of justice as now, and with such oppressive im-

* Mankind, by their universal suffrage, have delivered over to execration the assassin who, even at the risk of his own life, insidiously attempts the life of his fellow; but by some strange perversity of intellect, the cowardly villain who, under cloak of law, commits without danger the lowest and vilest of all assassinations—judicial murder—has found and does find apologists to extenuate his conduct. Such are the attempts to smooth over the times of which we now treat, and to place in a palliating point of view the trials and the executions that followed, for delinquencies, which neither the dictates of reason, the laws of God, nor of any well-regulated realm ever openly pronounced penal; and to find which capital, it was necessary to give a meaning to words their common acceptation could not bear, to appeal to a perversion of fact the accusers themselves knew to be false, and to close by a sophisticated application of law, in which the statutes were strained beyond their widest interpretation. That men should be found to attempt the justification of such miscreants is passing strange, and can only be paralleled by the obliquity which would calumniate those who were their victims.

Fountainhall's Decis. v. i. p. 327. Notes, p. 116-7. Wodrow, v. ii. p. 398. Burnet, b. ii. 427. State Trials.

partiality. The king at the end of last year gave a commission to the seven high officers of state to form a committee of government, with whom the whole executive was lodged, who were accountable to his majesty himself alone, and whose acts the privy council had only the useless honour of ratifying. The appointment of this junto at that time was generally supposed to have proceeded from the short-lived return of affection of the king towards Monmouth; and the intrigues of the duchess of Portsmouth,* to reduce the influence of Aberdeen in the council, who was considered as the devoted adherent of York. It has since been alleged that the duke withdrew his support from Aberdeen upon the latter's discovering some unpalatable symptoms of moderation. He had it seems, opposed the majority of the privy council, in concluding, that although husbands might be fined for their wives attending conventicles, because they were considered *de jure*, capable of restraining them, whatever they might be, *de facto*, yet they ought not to be fined for their ladies non-attendance at church, as it might be supposed they were not at all times able to enforce active obedience. Perth, who carried the disputed question to court, obtained the king's decision in favour of the harshest application of the act, and secured the permanent superiority of the most slavish time-serving and cruel portion of the government in the issue. Aberdeen was dismissed from his office of chancellor, which was bestowed upon Perth, and Linlithgow was made justice-general in his stead.

CXVI. These struggles for power and alterations of place made no alteration in the public measures of the party; they continued to increase in barbarous, extravagant and unrivalled extortion, and in frantic, capricious and sanguinary excess; so much so, that the interval from this period till about the revolution, was, by the sufferers, with terrific emphasis, denominated "killing-time." The justiciary enormities just related, that stained the capital, are only a little more prominent and striking from the rank of the persons—the subjects of judicial murder—and the greater solemnities of justice which were prostituted to sanction the crimes; and

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Committee
of govern-
ment ap-
pointed.Supposed
causes of
its appoint-
ment.Their ma-
nagement.

* Fountainhall's Decis. 250. Notes 37, 78. Burnet, vol. ii. p. 423.

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they are but a specimen selected from the proceedings of the high court in Edinburgh. But of the cruel finings, confiscations, imprisonments, exile, slavery and blood, perpetrated in their circuits, and by the inferior agents and ambulatory courts who spread desolation and misery throughout the land, it is impossible now to ascertain even a tithe of the amount. Yet from the imperfect records left, some estimate may be guessed at of the enormous accumulation of wretchedness our forefathers endured, to purchase the liberty their children so thanklessly abuse or enjoy.

Ruinous

cxvii. Sanctioned by a letter under the royal sign manual, the exaction of fines became severe and systematical, as a source of revenue, after twenty-four years oppression had destroyed agricultural industry, and almost annihilated what little commerce the short tranquillity during Cromwell's protectorate had begun to encourage and incite. No situation or circumstances could exempt any person of any rank from being liable to the most ruinous impositions, if he were not a retainer of the junta. In the county of Roxburgh alone, the amount imposed upon a few of the chief proprietors for their ladies' absence from church, was L.22,500 sterling, in Scottish money L.270,000; and those actually levied within other shires, amounted to more than four times the whole amount of all the yearly assessments raised during the time of the commonwealth.

Fines levied in
Roxburghshire.

In Renfrewshire.

cxviii. Some idea may be formed of the iniquitous manner in which heritors were harassed, from the case of two gentlemen in Renfrewshire, who were severally charged with having, in the course of three years, been present at one hundred and fifty-six conventicles. They were found liable in one fourth part of their yearly valued rent for each of the meetings; and for withdrawing from their parish churches an equal number of times in the same space, they were found liable in the eighth part of their yearly valued rent for each time. And besides, for having three irregular baptisms within these three years, three fourth parts of their yearly rents were added to the sum total, which altogether would have more than purchased their estates six times over.

cxix. The common charge was reset and converse with

rebels, for which it was no excuse that the alleged rebels had come under the indemnity, or had been residing for years openly and unmolested, and even in habits of intimacy with the king's officers; nor was it any legal defence that the accused had been absent from the country, and could not possibly have committed the crime. Gentlemen of the most undoubted loyalty—but unfortunately tainted with presbyterianism—were wantonly and maliciously accused; and although able to demonstrate their innocence, were, even when pronounced guiltless, forced to compound with some of the statellites of government, to preserve the remains of a burdened estate. Small heritors, when accused, were still more hardly dealt with; if the accusations turned out unfounded, they were dismissed with a pardon, but their property was retained.

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Their more
atrocious
proceed-
ings.

cxx. Queensberry's rapacity was boundless; and in cases where the other lords seemed disposed to moderation, if money could be obtained, the treasurer was inexorable. Ten Clydesdale gentlemen of respectability, who had hesitated about the oath of abjuration, proposed to the council to go into voluntary banishment in America, and the council were inclined to accede to their propositions—"No," said Queensberry, "his majesty may get ten thousand pounds sterling from them, and he may dispose of their bodies afterwards as he chooses." They were accordingly all heavily fined, and two of them transported as felons to the plantations.* Nor were even the dead beyond the avarice of the insatiable crew; men who had been in their graves for years were tried and forfeited in absence.

Rapacity.

cxxi. The work of death kept pace with that of robbery; and as the thirst for blood increased with the facility of gratification, a method was adopted which multiplied executions, while it rendered the formality of proof unnecessary. Persons were interrogated about the speculative opinions of allegiance, connected with their views of religious supremacy, which the judges well knew they were too conscientious to disavow, and their silence or their confession alike sent them to the gibbet. If any of the spectators expressed by their

Cruelty.

* Fountainhall, vol. i. p. 319.

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Conventi-
cles reviv-
ed by Pe-
den and
Renwick.One in the
west coun-
try.Another
in Niths-
dale,alarmed
by the mi-
litary.

looks the grief of their hearts, or in their bitterness of soul ventured to execrate the tyranny which doomed the innocent to suffer, they were instantly seized and interrogated, and seldom escaped paying the forfeit of their humanity with their lives;* nor durst the relatives of those who were executed wear mourning or appear sorrowful, unless they were prepared to encounter the risk of being suspected.

CXXII. A new stimulus was about this time [June] given to the zeal of the prelates by the revival of the field conventicles, which they vainly hoped had been effectually suppressed; Mr. Alexander Peden, who had lurked in Ireland, having come over again to Scotland, and Mr. James Renwick, who had been educated on the continent, returning ordained from abroad to exercise his ministry among the “wanderers.” One in the west country, at which it was reported nearly a hundred persons had assembled in arms, occasioned the whole heritors of these parishes to be summoned and fined, because they had not prevented what they could not foreknow, or because they did not give information, which to some of them was equally impossible, as they had not at the time resided in the district. Another in Nithsdale produced more serious consequences. The assembly was numerous, and among them about sixty men with fire-arms, who took their station at a convenient distance to keep the enemy in play—if they should make their appearance—till the people had time to disperse; and they had besides scouts out in every direction to give warning. It was not long before an alarm was given that two troops of dra-

* James Nicol, merchant burgess in Peebles, was a bold zealous man. Hitherto he had escaped, and was at Edinburgh at the trial of the last named three, which affected him very much. He was a mournful onlooker upon their process before the justiciary, and his spirits being stirred within him with what he had seen, he was taking his horse in the Grassmarket to go out of the town after he had been some time there about business; at this nick of time, the guard came down with the three persons last named to their execution. This stopped him, and he went in among the crowd and stayed till they were executed. When coming away, in the bitterness of his spirit he said, “These kine of Bashan have pushed these three good men to death at one push, contrary to their own base laws, in a most inhuman manner.” Whereupon he was seized and carried to prison. In a day or two he was brought before the committee for public affairs, after that before the council, thence transmitted to the justiciary, and thence to the gallows. Wodrow, vol. ii. p. 377.

goons were marching to attack them, upon which the meeting broke up; and when the soldiers arrived they only found about three hundred, who remained beside the armed men on the brow of a steep hill inaccessible to horse. As the countrymen presented a resolute front, the soldiers did not think fit to dismount to attack them, but scoured the country, and made several unarmed men prisoners, among whom was the minister. With these they marched directly for Edinburgh; but notice being brought to the armed countrymen, they determined to attempt a rescue, and thirty-seven of them took possession of Enterkin hill, by which it was necessary the dragoons should march.

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Surprised
by the mi-
litary,

CXXIII. Enterkin is an exceedingly large and lofty mountain, along whose side the road winds with a moderate ascent for upwards of a mile, till about mid-way it becomes more steep, the acclivity on the one side being nearly perpendicular, while on the other a tremendous precipice, dark and horrid, descends into a narrow deep bottom, only broad enough for the wintry torrent, whence again another mountain rises immediately and almost equally abrupt to a stupendous height. The road then was so narrow that two horsemen could with difficulty march abreast, and the least stumble endangered their being precipitated over the edge, in which case there was no possibility of recovery. Through this pass the soldiers were proceeding with the minister and five other prisoners—the front reaching near to the top of the hill, and the rest stretching along the steep path—when they suddenly heard a voice calling to them from above. It was misty, and nobody was at first seen; but the commanding officer halted, and asked who called, and what they wanted? He had scarcely spoken, when a dozen of the countrymen made their appearance upon the side of the hill above him, and when the officer repeated his inquiry, and ordered them to stand, one who appeared to be their leader, desiring his men to “make ready,” asked the officer, “Sir, will ye deliver our minister?” “No, sir, an ye were to be damned,” was the reply. At which the other fired immediately, and with so true an aim, that he shot him through the head, and he instantly fell; his horse startled, staggered over the precipice, and rolling to the bottom was

Enterkin
pass.

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The rescue.

dashed to pieces. The rest of the twelve men were preparing to fire, when the dragoon officer next in command requested a truce; for his party were in such a situation that not a man of them durst stir a foot or offer to fire a shot, as, had their opponents given a volley, in all probability they would have driven double their number down the side of the mountain into the dreadful gulf at the bottom. "We wish to hurt none of you," said the countrymen, "only restore our minister and the other prisoners," to which the other was constrained to consent, and they were loosed and let go. When the minister had proceeded a few steps, he stopped a little, and the officer said to him, "I let you go, and I expect you promise to oblige your people to offer no hindrance to our march." The minister promised he would do so. "Then go," returned the officer, "you owe your life to this damned mountain." "Rather, sir," answered the minister, "to that God who made this mountain."

cxxiv. During the parley some travellers arrived at the head of the pass, and as it was too narrow for both, they stepped a little up the hill to allow the soldiers to march on. The officer, when he observed them, suspecting they were part of his armed opponents, called to the leader "to be as good as his word, and order off the fellows he had posted at the end of the way." "They belong not to us," said the honest man, "they are unarmed people waiting till you pass by." "Say you so?" replied the officer, "had I known that, you had not got your men so cheap, nor have come off so free." "An' ye are for battle, sir," retorted the countryman, "we are ready for you still; if ye think ye are able for us you may try your hands, we'll quit the truce." "No!" said the officer, "I think ye be brave fellows, e'en gang your gate."*

Another account.

cxxv. Such was the common account at the time of the rescue at Enterkin. Wodrow relates it somewhat differently; he says that the prisoners, nine in number, were being brought from Dumfries jail to Edinburgh, escorted by a guard of twenty-eight soldiers, who fired upon the countrymen, and they returning the volley, scattered the soldiers

* Memoirs of the Church of Scotland, 193, 194.

and released some of the prisoners ; he mentions no minister among them, nor does he notice the parley—which is rather doubtful—as the party carried one of their prisoners to Edinburgh. The rescue, however, was followed by an ambulatory commission, who interrogated upon oath the population in the neighbourhood above fifteen years of age, respecting their reset or converse, under the usual penalties.

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Conse-
quences.

cxxvi. Previously a general gaol delivery had taken place, and those who would not take the test, if there were any mitigating circumstances in their case, were by an act of royal mercy sold as slaves to the plantations. Several cargoes had been despatched to England in the beginning of the year ; but under the irritation occasioned by these new disturbances, a visitation was ordered to the jails in Edinburgh and Canongate, to report upon the state of the prisoners confined on account of rebellion and reset, for the purpose “that it might be recommended to the justices to proceed and pronounce sentence against them immediately, which sentence they were to cause execute within six hours after pronouncing it.” In the west and the south the time for preparation was shortened, the prisoners at Glasgow and Dumfries were only to be allowed three hours between sentence and execution. Additional troops were at the same time sent to the south and west, with instructions “not to suffer any skulking vagrant rogues to go up and down the country.” For the more effectual discovery of rebels, the officers had powers to supersede the ordinary magistrate, and to delegate these powers to whoever they saw fit ; and while the general magistracy of the country was intrusted into the hands of the soldiery, the privy council assumed the prerogative of removing at pleasure the magistrates of burghs, and nominating their own creatures in their room, without any regard to the setts of the towns, or the rights of those who had hereditary jurisdictions.

Increased
persecu-
tion.

cxxvii. Preparatory to the autumnal circuit, and to prevent the sufferers from flying from persecution, a proclamation was issued, under pain of confiscation, forbidding the captains of vessels from leaving the kingdom, until they had presented lists of their passengers, upon oath, for examination, to officers appointed by government ; and under pretext

Captains
prohibited
from taking
persons off
the coun-
try.

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Proceed-
ings of the
circuit
courts in
the west
and south.

of preventing unlawful assemblies, no person was allowed to travel from one shire to another without a pass.

CXXVIII. Hemmed in thus on every side, the justiciary circuits, the military commissions, and the inferior inquisitorial emissaries were let loose upon the country; and to add to the number of delinquents, the only refuge of the nonconformists was taken away by silencing at once all the indulged ministers who, till now, had been allowed a precarious and circumscribed liberty. The circuit courts sat down at Dumfries, Ayr, and Glasgow, in the beginning of October, and the proceedings at each were nearly similar. All the heritors were summoned, and required to take the test, not as an oath that could be legally enjoined on those who did not hold places under government, but as a mark of loyalty which all good subjects ought to be forward to give, and as a favour which all suspected of irregularities ought thankfully to accept. The common people were required to swear that they did not hear presbyterian ministers, that they never had had converse with, or shown kindness to any of the intercommuned wanderers, nor ever would;* but would instantly raise the hue and cry whenever they discovered either themselves or their places of retreat. Women were forbid to cohabit with, or conceal their husbands or children; all recusants were, without further process, sent to prison; and, in one county town at least, in order to enforce the test, a permanent gibbet, erected at the cross, was pointed out to the refractory, as a most conclusive argument.

Case of
Porterfield
of Douchal.

CXXIX. The case of Porterfield of Douchal, in the western circuit, has often been stigmatized as an enormous iniquity—it was not singular. His crimes were:—reset and converse with his own brother, his suffering a fugitive to dwell on his estate, and his not divulging an application made to him by sir John Cochrane for fifty pounds, by way of chari-

* The lengths to which these arbitrary measures were carried may be judged of from two cases mentioned by Lord Fountainhall. One James Scott, Bristo, was imprisoned, because it appeared from his papers that he had received payment of a debt from a person in Teviotdale who was intercommuned; and another was charged with corresponding with rebels, because he had pointed the goods of a denounced criminal!—Decis. v. i. p. 306.

ty to the earl of Argyle. His defences :—that his brother, for a number of years, had lived peaceably, and conversed with all the authorities in the county without ever being called in question ; that the fugitive dwelt upon his father's estate, but was turned off, and had enlisted in the army ; and that he had refused to give the money for Argyle, and did not think it a circumstance worth repeating.

cxxx. This last species of crime being new, a query was proposed by his majesty's advocate to the lords of council and session, "It being treason by the common law and ours to supply and comfort declared traitors, and it being treason by our law to conceal treason," Quæritur, Whether sir John Cochrane, having asked of Porterfield of Douchal, who was not related to the late earl of Argyle, the sum of fifty pounds sterling for the said earl's use, he being a declared and notorious traitor, and Douchal not having revealed the same to his majesty or his officers, whereby the prejudice that might have followed thereupon might have been prevented—is not the foresaid concealing, and not revealing treason ? Perth, the chancellor, and fifteen others, among whom was the lord advocate himself, gave it as their opinion that it was treason. The mode of reasoning by which they arrived at this conclusion, exhibits a specimen of the logic of the times worthy of being preserved. Argyle was a traitor—to support a traitor was treason—to solicit support for a traitor is also treason—to conceal the designs of a traitor is treason—*ergo*, to have concealed that sir John Cochrane asked a contribution for the support of the earl of Argyle, was downright veritable treason ! and it affords no plea that the money was refused, for the concealment of the fact constitutes the essence of the crime ! His conviction followed as a matter of course, and he was condemned and forfeited as a traitor. The resignation of the good old man, when his iniquitous sentence was pronounced, drew tears from the spectators, and even Mackenzie, callous as he was to shame or compunction, wished to escape the odium of the deed, for he was wont to call Douchal lord Melfort's Martyr—a designation well applied, as this villain, who sat as his judge, received from the crown a gift of his estate.

cxxxi. It is not to be wondered at if the principal pro-

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His de-
fence.

A new spe-
cies of trea-
son con-
stituted.

He is con-
demned.

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General
compliance
of the heri-
tors.

prietors, or the shires, with such examples before their eyes, were more eager to escape personal danger, than to stand forward in defence of public rights; and accordingly the majority complied, and voted the continuance of cess beyond the period granted by parliament for the support of the standing army, and subscribed bonds obliging themselves, their tenants, and servants, to be regular attendants upon the episcopalian clergy, to partake in due form of the sacrament of the Lord's supper, present their children for baptism, and discourage the ministration of the presbyterian preachers.

The Ca-
meronians
alone re-
fuse.

cxxxii. True to their covenants, when all else was sullen discontent and heartless impatience, the wanderers alone refused to do homage to the unprincipled tyranny that desolated the land; and the oppression which unsparingly, and without distinction, crushed in one undistinguished mass all who—however compliant—did not renounce their own for the prelated religion, justified the injured and calumniated society-men,* who had uniformly stood aloof, and rejected all compromise. They saw the truth of Argyle's remark, "that if they went along with these men in part, and did not in all things, they would suffer; that if they went not at all with them, they could but suffer." They chose the latter part of the alternative—but their sufferings were intense. Expelled from their homes, they were driven to hide in dens, and in caves of the earth; to wander naked and starving, in the sterile or remote parts of the country; skulking in woods, or among mosses, or on the hills, without any certain dwelling-place:—exposed to every extremity of climate, in the depth of winter as well as in heat of summer, they made the heather their bed, the rock their pillow, and their only covering the canopy of heaven;—debarred from the charities of life, their presence was deemed pestilential, and their nearest relatives dared not exchange an expression of kindness with them but at the peril of their lives; they were hunted by the soldiers like partridges on the mountains, and shot without inquiry, and without account; they were trac-

Their ex-
treme suf-
ferings;

* Or Cameronians, or mountain-men, or persecuted remnant, or fanatics, by all which names they were contemptuously denominated.

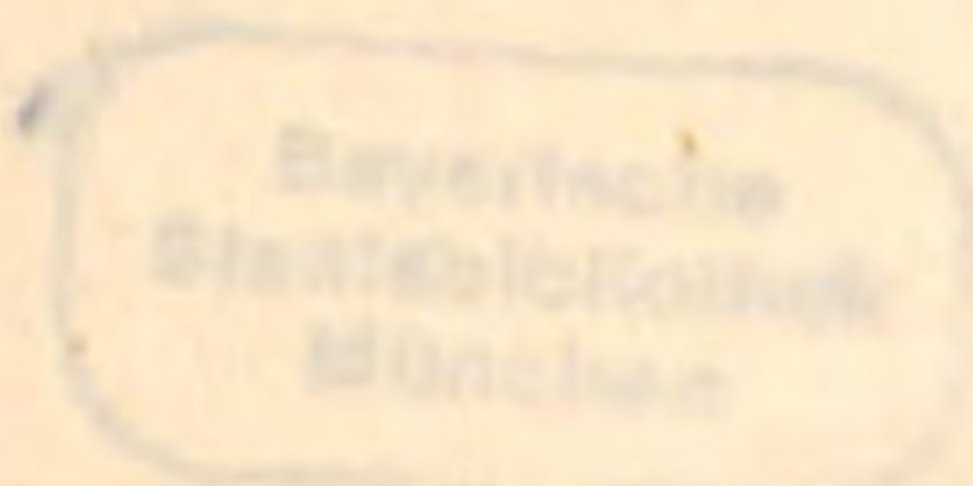
ed by the sleugh-hound, and whenever they made their appearance, the hue and cry was raised against them; they were surrounded by spies—apostate renegadoes and prelatical intelligencers—who shared the rewards, or gratified their resentments by the apprehension, captivity, or death, of the suffering wanderers.

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CXXXIII. Of the sufferings of those who remained at home, some idea may be formed from the simple narrative of one of themselves, while it shows the unconquerable hardihood which such training was calculated to impart to the character. “A party of the enemy came to that man’s house—a kinsman of the narrator—to search for some of the persecuted party. When the people of the house saw the enemy coming, they fled out of the way, but the cruel enemy got my dear brother into their hands. They examined him concerning the persecuted people where they haunted, or if he knew where any of them were, but he would not open his mouth to speak one word to them. They flattered him, they offered him money to tell where the whigs were, but he would not speak; they held the point of a drawn sword to his naked breast, they fired a pistol over his head, they set him on horseback behind one of themselves to be taken away and hanged, they tied a cloth on his face and set him on his knees to be shot to death, they beat him with their swords and with their fists, they kicked him several times to the ground with their feet—yet after they had used all the cruelty they could, he would not open his mouth to speak one word to them; and although he was a comely proper child going in ten years of age, yet they called him a vile ugly dumb devil, and beat him very sore, and then went on their way leaving him lying on the ground sore bleeding in the open fields.” To this unfeeling barbarity they added still more cruel and insidious guile. Disappointed in finding out this family, “the enemy swore,” continues the narrator, “that if we were out of hell they would have some of us, if not all of us; and for that end they disguised one of themselves, a fair well-favoured young man, in women’s clothes, like a gentlewoman, giving out that she was a cousin of our own come from Ireland to invite us over to our friends there, because they had heard of our troubles in Scotland. This gained credit among our

At home;



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friends, who knew where we were, especially seeing the metamorphosed, he was so like our family, and because of the other probabilities of his discourse. And so he got exact notice where we were, and returning back to his garrison gave them an account; and so next morning the whole troop came all out on horseback to the place where we were, about two miles distant; but half an hour before the enemy came where we staid, my mother sent me about some business to my father, who was two miles farther off on the other side of a moss. When I came where my father was met with some other christians for prayer at the utmost edge of the moss, amongst them I found my mother, and the rest of her children, all in alarm. I thought it strange to see them alarmed, and to find my mother there, she having no thought of it when I left her; till she told me, that about a quarter of an hour after I left her, she saw the enemy coming, and had not above five or six minutes to shift herself and children into the moss."

In the
fields:—

cxxxiv. Of the wanton hunting in the fields to which they were exposed, the following presents a lively picture:—"In the morning the servants and I went to work in the fields, where, before nine o'clock in the morning, we saw a troop of dragoons coming at the full gallop. Mr. Peden and those that were with him in the house fled, which we at work knew nothing of, but we ran every one as providence directed; and the watchful providence of God, which was ever kind to me, led me as by the hand to a moss two miles distant from where we were working, to which these, with Mr. Peden, had fled for shelter, which I knew nothing of till I came thither; the way to it was through very steep and ascending ground. Two of the dragoons pursued me very hard, but, spying another man following me, him they pursued off at the right hand of my way. They fired at him, but it pleased the Lord he escaped at that time. Other two of them came in chase of me. I was sore put to it for my life. The day was very hot, the sun bright in my face, and my way mountainous; yet the Lord was very kind to me, and enabled me to run. I had sometimes thought of turning to this hand, and sometimes to the other, and also I had often thought to dive into the moss water pits and save my head

in the rush-bushes, yet I was overpowered beyond my inclination to keep on in my way to the moss where the rest were, at the edge of which there was a bog or morass about ten or twelve yards broad, to which my good guardian, kind providence, brought me at last; and here the Lord was a present help in the time of need to me, for just as I was got through the bog, and drawing myself out of it by the heather of the moss, the two dragoons came to the other side, but seeing they could not get through to me with their horses, they bade me stand dog and be shot; they fired upon me, but God directed the ball by my left ear. I, finding I had escaped the shot, ran farther into the moss. Kind providence led me just where my persecuted friends were lurking in a moss-bog, about twenty in number, at meeting with whom I was gladly surprised, but being so run out of breath, it was some time before I could speak any. We staid there some time, till a second troop joined the first troop; and seeing them dismount their horses to take the moss on their feet to search us out, we drew off and travelled the midst of the moss. They seeing this, horsed again, and pursued us by the edge of the moss, but we always kept ourselves on such ground where horses could not come. We ran that day hither and thither, backwards and forwards, above thirty miles. We got no manner of refreshment all that day but moss water to drink, till night, that each of us got a drink of milk. Mr. Peden left those that were with him and went one way, and I left them and went another. I lay that night far from any house, among the heather. The next day when I wakened, after the sun rose, I saw about two hundred foot and horse searching all the country far and near, but I seeing no way of escape unobserved by the enemy, I clapped close among the heather, and not one of the enemy came near the place where I lay."*

cxxxv. If they met for worship, or for sermon, it was by stealth, or in the dead of night, amid the rudest storms, in the wildest places, and in going or returning to these solemn assemblies, it was seldom that some of them did not fall vic-

* Memoirs of the first years of James Nisbet, son of John Nisbet of Hardhill, written by himself, 18mo. pp. 70, 103, a small work which contains an excellent picture of the private life of the persecuted.

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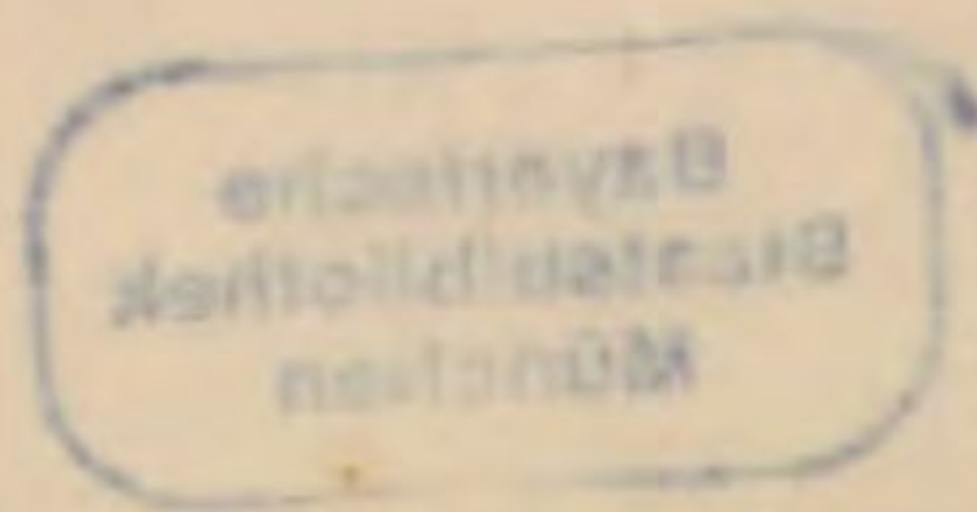
Their pa-
tience un-
der them.

times through the insidious arts of cowardly informers. To be found with a Bible in their possession, or detected in the act of extemporary prayer, were deemed sufficient marks of disloyalty to the king, or disrespect to the church; and were crimes dark enough to expose the offender to all the intensity of remorseless persecution. Placed thus beyond the protection of the law, and pursued like the wild beasts of the forest, it would not have been surprising if, in a frantic agony of despair, they had turned upon their hunters and retaliated without mercy the enormous wrongs they suffered by the most deadly acts of revenge: nor can their patient endurance be accounted for—for they were brave, determined, and inured to peril—except by the general and commanding operation of the principles of the gospel upon their minds in the most trying of all situations.

Their apo-
logetical
declaration.

CXXXVI. But they had recourse to an act of perhaps somewhat doubtful propriety, more however from the inequality of the numbers and the hopelessness of the expedient, than from its being opposed either to the law of nature or the law of nations. They published a retaliating manifesto against their persecutors.* It is generally known by the title of their “apologetical declaration.” While they expressed “their detestation and abhorrence of that hellish principle of killing all who differed from them in judgment or persuasion,” and their firm and true purpose not to injure or offend any whomsoever, but to pursue the ends of the covenants in standing to the defence of the glorious work of reformation and of their lives, they avowed their determination to treat as enemies to God and his covenanted work all such as openly shed their blood, or by secret intelligence sought to promote their utter extirpation; and they admonished informers to beware how they in future proceeded in their voluntary endeavours to discover them to their enemies, for by such

* Denied redress, the very fountains of justice polluted, was it at all to be wondered at if the sturdiest of the people, those who in defence of their loyalty were ever found the bravest, should resort to the same measures against domestic tyranny, which the whole tenor of their education, the whole current of opinion, and whole tide of public approbation taught them to esteem a paramount and a laudable heroism, if exercised against a foreign despot? The abstract principle was the same, and in cases of desperation a hardy people do not stand upon punctilious distinctions.



courses they would both endanger their souls, seeing God would make requisition for the blood of his saints, and also their bodies, by becoming accessory to the murder of the innocent, as the necessity of self-preservation would not suffer them to allow such deeds to pass unpunished. "Therefore," add they, "expect to be dealt with as ye deal with us so far as our power can reach, not because we are actuated by a sinful spirit of revenge for private and personal injuries, but mainly because by our fall reformation suffers damage; yea, the exercise of godliness through promising flatteries and terrible threatenings will thereby be brought to a very low ebb, the consciences of many more dreadfully surrendered, and profanity more established and propagated." This declaration was affixed upon many of the market-crosses and church-doors, and produced a strong sensation throughout the country.

CXXXVII. A warning of such a kind from such men was not to be treated with contempt; and to a certain extent it answered the end proposed, by terrifying some of the most active informers, and inducing several of the most virulent of the persecuting curates in Nithsdale and Galloway to remove to more quiet districts. It, however, proportionably raised the fury of the council, who ordered the torture of the thumbiekins and boots to be applied to those who were brought in prisoners, to discover the authors of the declaration.

Its effects.

CXXXVIII. As the declaration appeared without a name of either person or place, and the murder of Kennoway and Stuart, two soldiers of the guard, by persons who were never discovered, which occurred soon after, was attributed to the party who acknowledged the paper, more summary modes of persecution were had recourse to. The privy council "ordained that any person who would own or did not disown the declaration upon oath, whether they had arms or not, should be immediately put to death in presence of two witnesses, by persons commissioned from the council for that effect;" and the army were instructed to put in execution this inhuman decree with circumstances of additional atrocity. Authorized to call courts, if any were absent after being summoned, their houses were to be burned, and their goods con-

Proceed-
ings against
those who
did not dis-
own it.

BOOK
XVII.

1684.

Oath of ab-
juration re-
nouncing it.Orbiston
empowered
to bring in
the high-
landers.Means ta-
ken to en-
force the
oath.

fiscated: and all persons above twelve years of age in the families of those who were condemned or executed, were to be seized and sold as slaves to the plantations. An oath of abjuration was also prepared, renouncing the declaration and its authors, and promising never to assist or abet them; and lieutenant-general Drummond especially commissioned to press it in the west country, where he was to quarter his troops, and plant garrisons at his discretion.

cxxxix. To aid in episcopalianizing the districts of Dunbarton and Renfrew, Hamilton of Orbiston was empowered to levy a new host of highlanders to "prevent the people from being debauched into disloyal and seditious principles by the outed ministers," and authorized to employ "spies and intelligencers to go in company with the fugitives, as if they were of their party, the better to discover where they haunt and are reset." The year was concluded by a proclamation commanding all heritors, and in their absence their factors and chamberlains, under pain of being considered themselves guilty, to convocate all the inhabitants on their lands, and to bring them before any of the privy councillors or commissioners appointed by the council, where they were to swear the abjuration, and to receive a testificate, without which all who should adventure to travel were to be holden as communers with the rebels. All innkeeper-houses of common resort were strictly forbidden to entertain any travellers until they had such certificates, under similar penalties, and the holders of these certificates were enjoined, if required, to make oath that they were the persons therein designated, and that their passes were not forged.

cxl. Such enactments were at once calculated to cut up all internal intercourse in the country, and at a time when almost the whole domestic trade was carried on by travelling merchants generally attached to presbyterian principles, and who could not possibly avoid unintentionally intercommuning with the proscribed, must have been productive of severe deprivation; but they became likewise the source of the most wanton cruelty, and soldiers assuming the power of very summary execution, had already commenced to murder in the fields.

cxli. Scenes of increasing bloodshed ushered in the year

1685, though a momentary pause was occasioned by the death of the king. Charles, when he had attained the highest object of his ambition—to reign without the intervention of parliament—felt that he had not procured the enjoyment he sought. His degrading dependance upon France was rendered as uneasy as it was impolitic, by the tardiness or carelessness with which his royal brother bestowed the wages of his infamy; and the servile flattery and obsequious attention which crowded the duke of York's levees, contrasted with the solitariness of his own court, drove him to seek amusement in his women's apartments, where it is said the intrigues and insinuations of the duchess of Portsmouth had awakened symptoms of tenderness to Monmouth, whose recall was projected, and which, according to the reports of the day, was to be accompanied by a total change of measures:—James was again to be sent to Scotland; the unpopular ministers were to be dismissed; and, summoning a new parliament, his majesty was to throw himself entirely on the affections of his English subjects.

BOOK
XVII.

1685.

Situation
of the king.

CXLII. Whatever truth there were in these rumours, the mission of his brother again to Scotland betokened no alteration of measures toward that unhappy country; but a sudden attack of apoplexy put an end to speculation. After a slight recovery, he died on the 6th February, in the fifty-fifth year of his age. It is doubtful, but neither decided nor improbable, that he was poisoned. I do not think that there is evidence that James was privy to any unfair means against his brother's life; yet, I must confess, after weighing the whole of the evidence, I would hesitate before pronouncing a verdict, "Died by the visitation of God."

CXLIII. The account of his last hours by Barillon—and that I apprehend is what we must consider as the most authentic—accords entirely with the tenor of his life. No extremes meet so nearly as those of scepticism and credulity; and on this propensity of the human mind the whole structure of popery is built. During the short while he lingered, he discovered to his protestant attendants no religious sentiments, except once expressing a feeble hope that he would, after all, climb to heaven. But he eagerly grasped at the shadow of relief which the Romish church promises to her dying

Account of
his last ill-
ness.

BOOK
XVII.

1685.

Receives
the last
rites of the
Romish
church.

votaries; and when the duke of York proposed to him to receive her rites, and die in her communion, as his last consolation, he repeatedly exclaimed, "with all my heart." Huddleston, a priest, who had preserved his life after the battle of Worcester, being with some difficulty procured, James introduced him to his dying brother, and in presenting him, said, "Sir, here is the man who saved your life, and is now come to save your soul!" Charles warmly answered, "he is welcome!" To him he confessed, and from him he received the last sacraments of that church—absolution, the mass, and extreme unction. From these rites his mind seemed to derive relief, and he spent the night with such easiness and tranquillity that his attendants were willing to believe God would work a miracle by restoring him. In this interval, he recommended to the duke of York his mistresses, the duchess of Portsmouth and Nell Gwyne, and his natural children, with the exception of Monmouth. To those around him in whom he could trust, he expressed his confidence in the mercy of God; to the bishop of Bath and Wells, his chaplain, who read the prayers and pronounced the absolution of the church of England, he merely, by an inclination of the head, expressed that he heard him, and the bishop did not farther officiously obtrude. At six in the morning, he asked the hour, and on being told it, with anticipating sadness he desired his attendants to open the curtains, "that he might once more see the light!"—the last collected words he almost uttered. At ten he became delirious, and about noon quietly left the turbulence of an earthly court to appear before the tribunal of the Eternal, to render an account of the government he was forced to leave.

His death.

Character
of his go-
vernment.

CXLIV. For that government, as it respected Scotland, it would be difficult to find a parallel, except in the worst reign of the worst of the Cæsars; nor can it be characterized in terms of merited reprobation, without recurring to the harshest our language affords. It was one continued act of revolting, unprincipled, flagitious, wanton, and capricious tyranny, unfeeling and unsparing in its rapacity, insulting, and more than usually barbarous in its bloodshed, whose delight was to torture and to punish, after it had reviled and pillaged its victims. That the episcopalian form of church govern-

ment should have been capable of authorizing and urging on the atrocities of such an administration, is perhaps no great matter of astonishment:—any religious establishment may be abused:—but that Scottishmen and presbyterians should view with antipathy and horror a hierarchy thus distinguished in their native land, is as little to be wondered at.

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CXLV. Worthless as a man, Charles was detestable as a sovereign; his private character was unadorned by any active virtue, and his public conduct possessed not even the wretched relief of splendid crime. Beneath a plausible exterior, he was selfish, unfeeling, faithless, cruel, and revengeful. The good nature for which he was praised evaporated among parasites and prostitutes, and his good breeding was admirably adapted for the associates of his pleasures. When irritated, he was rude, insulting, and vulgar; when facetious, he was not unfrequently blasphemous or obscene; his court was a brothel; and when he apostatized from his religion, he likewise deserted the decencies of life. He neither patronised learning nor encouraged the arts, nor is his name associated in the annals of Britain with any useful or ornamental institution. The society which any monarch might have been proud to foster owed him nothing but the epithet “royal.”

Of himself.

THE HISTORY OF SCOTLAND.

BOOK XVIII.

James VII.—His Accession.—Speech to Parliament.—Proclaimed in Scotland.—Declines the Coronation Oath.—Rigorous Proceedings in South and West.—Murder of John Brown by Claverhouse.—South and West placed under Military Law.—Case of Two Women drowned at Wigton.—Moderate Presbyterians join the Cameronians.—Parliament.—Answer to the King's Letter.—Their iniquitous Acts.—Confiscations.—Entails first introduced.—Movements of the Exiles in Holland.—They resolve on War.—Argyle appointed General.—Expedition sails.—Preparations to defeat it.—Prisoners sent from Edinburgh to Dunnottar.—Their shocking treatment.—Argyle arrives.—His Proceedings.—Taken Prisoner.—Examination.—Resignation.—Letter to his Wife.—Execution.—Execution of Rumbold and Ayloffe.—Troops under Sir John Cochrane dispersed.—Duke of Monmouth executed.—The King's impolicy in England.—Exempts the Papists in Scotland from all religious oaths.—Consequences of the revocation of the edict of Nantz.—Dissensions in the Cabinet.—Popish methods of conversion.—Mass publicly celebrated.—A riot.—Episcopalians recommend an accommodation with the Papists.—Debates respecting Roman Catholic emancipation.—Their worship ordered in Holyrood Chapel.—Burghs prohibited from choosing their Magistrates.—Conventicles ordered to be rooted out.—Roman Catholic disabilities removed.—Tests abolished.—A second Indulgence.—Disinterested conduct of the Non-conformists.—State of English and Scottish Episcopalians.—A third Indulgence; Field Preaching prohibited.—Court of High Commission revived.—Politics of the Court and of the Presbyterians.—Thanksgiving for Queen's Pregnancy.—Execution of James Renwick.—Case of the English Bishops.—Rejoicings on their acquittal.—The Queen's Delivery suspicious.—Commencement of the Revolution.—All parties coalesce against the King.—Circumstances favourable to Prince of Orange's design.—He lands at Torbay.—Defection of the army and fleet.—James negotiates with William.—Leaves London.—William invited to the capital.—James leaves the country.—Particulars of his escape.—Crown settled on William and Mary.—1685—1688.

BOOK XVIII. I. SUCCESSIONS to power are among that class of events which when looked to at a distance, often promise the most dreadful convulsions, yet when realized, not unfrequently pass with more than usual tranquillity. Such was the accession of the young protector; and James VII. whose elevation

1685.
James VII.

had been expected with dread, as a crisis to the nations, mounted the throne, not only without a struggle or a murmur, but, as far as the superficial glance of a kingly eye could perceive, from the flattery of courtiers and the addresses of corporations, with universal and heartfelt acclamation.*

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II. His first act was to assemble his privy council. The speech which he delivered to them was received as a pledge of their felicity—a tenure of their rights more certain than magna charta—which he was supplicated to make public; with great condescension, he allowed it to be printed. What the people of England, in 1685, received with delight as a guarantee of their privileges, ought never to be forgotten; it was as follows:—"Before I enter upon any other business, I think fit to say something to you. Since it has pleased Almighty God to place me in this station, and I am now to succeed so good and gracious a king, as well as so very kind a brother, I think it fit to declare to you, that I will endeavour to follow his example, and most especially in that of his great clemency and tenderness to his people. I have been reported to be a man for arbitrary power; but that is not the only story that has been made of me, and I shall make it my endeavour to preserve this government, both in church and state, as it is now by law established. I know the principles of the church of England are for monarchy, and the members of it have shown themselves good and loyal subjects, therefore, I shall always take care to defend and support it. I know too, that the laws of England are sufficient to make the king as great a monarch as I can wish; and as I shall never depart from the just rights and prerogatives of the crown, so I shall never invade any man's property. I have often heretofore ventured my life in defence of this nation, and I shall go as far as any man in preserving it in all its just rights and liberties."†

His speech
to the pri-
vy council.

* Life of James II. v. ii. p. 7.

† Mr. Fox is of opinion, that the love of power was the ruling principle of James, and the wish to establish popery a secondary object—at least in the commencement of his reign; but in his anxiety to enforce as a political axiom, "the danger of relaxing that vigilant and unremitting jealousy of the power of the crown, which can alone secure to us the effect of those wise laws that have

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His ex-
planation
of it.He is pro-
claimed in
Scotland.

III. The speech was extempore, and James appears afterwards to have thought it not expressed with sufficient accuracy; for, in his memoirs, we are told, "though his majesty intended to promise security to their [his subjects'] religion, and protection to their persons, he was afterwards convinced it had been better expressed by assuring them he never would endeavour to alter the established religion, rather than that he would endeavour to preserve it; and that he would support and defend the professors of it rather than the religion itself:—they could not expect he should make a conscience of supporting what in his conscience he thought erroneous:—his engaging not to molest the professors of it, nor to deprive them, nor their successors, of any spiritual dignity, revenue, or employment, but to suffer the ecclesiastical affairs to go on in the tract they were in, was all they could wish or desire from a prince of a different persuasion."*

IV. His accession was announced to the Scots in a more unambiguous production. A proclamation framed in London was published at the cross of Edinburgh, on the tenth of February 1685, and in this strange document not only was the right of James to the crown by lawful and undoubted succession and descent declared, but his supreme sovereign

been provided for the benefit of the subject," Mr. F. appears to me to have mis-stated the king's policy, which is the more surprising as it seems so very obvious. The temper of the nation with regard to popery had been sufficiently displayed on occasion of the popish plot, and their hatred to that religion was, as he himself observes, p. 99, the grand engine of the power of the whigs. It was therefore necessary that James should first establish temporal despotism on a sure basis, before he could attempt, with any probability of success, to introduce spiritual enthrallment. The tories, although they were willing instruments in subverting the liberty of their country, so long as this contributed to support themselves in place and power, were by no means equally pliable in overturning the episcopalian church, when they perceived that this would have brought in a purer despotism, which, in turn, would have dispensed with their assistance; and it was owing to the folly of James in too soon rendering it flagrant, that the establishment of popery was a primary object, and not "a more remote contingency," that ever the revolution was accomplished. Hist. of James, p. 108, &c.

* Clark's Life, vol. ii. p. 3. This passage places in the strongest point of view the insincerity of James, and the impossibility of trusting the most explicit declarations of any man who is an adept in casuistical divinity. Papists certainly bear the palm in this species of sophistry; but protestants are by no means free from a charge of similar self-deceit.

authority acknowledged; and the privy council, with the concurrence of several other lords, spiritual and temporal, barons and burgesses of the realm, with uplifted hands made oath humbly to obey, dutifully and faithfully to serve, maintain, and defend, with their lives and fortunes, his sacred majesty—as their only righteous king and sovereign, over all persons, and in all causes, and as holding his imperial crown from God alone. But the coronation oath was declined by the king as unnecessary, or lest it should seem to import that he in any manner derived his power from the consent of the people;—a circumstance which was afterwards employed to justify the sentence of forfeiture pronounced against him.

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Hedeclines
the corona-
tion oath.

v. At the time, however, it passed unnoticed, except by the wanderers and the persecuted;—the dominant party being equally servile in both kingdoms. In absolute prostration of every manly sentiment, the professions of the Scottish officers of state and nobles, vied with those of the English courtiers; and the addresses from their corporations, at the head of which stood Edinburgh, might have borne a comparison with that of Oxford itself. No change took place in either the civil or military departments; nor was it to be expected, as the whole management of Scotland had been already committed to the duke of York, and all the places filled with his highness's creatures;—only Drumlanrig, Queensberry's son, having been sent to London with the council's congratulatory letter to the king, his father, with the usual fidelity of courtiers, procured the recall of lord Livingston, his friend Linlithgow's son, upon a sham plot, in order that his own might supplant him as captain of his majesty's body-guard.*

Servility of
the Scots.

vi. The privy council immediately issued orders for the judges and officers in the south and west to continue their proceedings with vigour, and particularly to attend to that

* Fountainhall's Notes, p. 123. Decis. vol. i. p. 339. Fountainhall's Chronological Notes, although referred to, I do not consider of much authority; they seem to have been rough sketches of what he afterwards incorporated into his decisions, and wherever they are amplified, in general bear strong marks of another hand. They are avowedly interpolated. Wodrow, vol. ii. p. 47l.

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Severities
increase.

section of their instructions relative to the justiciary part of their commission. A few days after, they published an indemnity—a nominal act of mercy—insulting rather than beneficial; as, from the numerous exceptions, scarcely any above the rank of cottars or beggars could avail themselves of what, with cruel irony, was called, “the innate clemency of his majesty,” a virtue “which hath shined in the whole line of his royal race!!” Their orders to their officials were not, however, an unmeaning form. The commission courts instantly renewed their iniquitous processes; and the first two months of the new reign were distinguished by a severity of fining, equal, if not beyond what had for some time previous been exercised.

Field mur-
ders.Crimes
punishable
with im-
mediate
death.

vii. But the field murders, which had never been intermitted, were multiplied with increased circumstances of wanton barbarity. To have been found in the fields with a bible in their possession, or discovered in the act of prayer, or going to or coming from hearing sermon, were evidence sufficient to convict the delinquents of treason; or if these suspicious circumstances were wanting, or were deemed scarcely justifiable grounds of condemnation, the oaths were offered, and their refusal was punished by instant death; sometimes with, and oftener without, the weak formality of calling a military jury. To have conversed with any of the wanderers, or a refusal to discover their retreats when asked, involved the generous countryman in the most summary punishment. The scenes of insatiable cruelty on record are too numerous to be particularized; and it may easily be supposed, in a country where the execution of injurious and contradictory laws and orders of council were intrusted to an undisciplined soldiery, composed of the most worthless class of the community, and commanded by men who considered themselves loyal in proportion as they were outrageous, unmerciful, and profane, that many acts of the most horrible description were perpetrated, of which no record remains in this world:—but I give a few instances, to enable the reader to form some idea of the dreadful state of Scotland under the sway of her native kings.

viii. Colonel Douglas, brother to the duke of Queensberry, having with a troop of horse surprised at Caldernes, in the

parish of Minigaff, Galloway, six persons at prayer, charged them with being under hiding; and the exercise in which they were engaged admitting of no palliation, ordered them, without further inquiry, to be taken out and shot. Captain Bruce and a party seized other six of the wanderers in Loch-enket muir in the parish of Orr, and without any process put four to death upon the spot; two he carried before sir Robert Greirson of Lag—another leader of the gang—and they refusing to take the oath of abjuration, were dragged to the next oak tree and hung upon it. Mr. Bell of Whiteside, known to Lag, was, with four others, murdered in an equally summary manner; and when the young gentleman only requested a quarter of an hour to pray, was taunted with, “what the devil, have you not had time enough to prepare since Bothwell?” and despatched on the spot.*

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Instances.

ix. Pre-eminent among these wretches was Grahame of Claverhouse—afterwards viscount Dundee—whose memory is still execrated as the bloody Clavers; and how deservedly his deliberate and infamous assassination of John Brown can attest; the uncommon sensation excited by whose death will excuse my narrating it at some length. This man, although in the humblest walk of life—he possessed only a very small piece of ground, and was a carrier to his employment—enjoyed the universal respect of the persecuted, among whom he had been uncommonly useful by the attention he paid to the religious instruction of youth, at a time when those whose legal office it was, had neither abilities nor inclination for the task; and those who would cheerfully have undertaken it were prohibited under pain of death. His character for piety had attracted the notice of the episcopalian clergy, and he incurred their hatred by not attending their ministrations. While engaged early one morning in casting peats† at some distance from his house—a solitary dwelling

John
Brown, by
Claver-
house.

* Mr. Bell was step-son to viscount Kenmuir, who some time after the murder meeting Lag in company with his associate Claverhouse, reproached him with his cruelty to a gentleman, and his relation, but particularly with his brutality in not allowing him to be buried; the ferocious ruffian replied with an oath, “take him if you will, and salt him in your beef barrel; on which Kenmuir drew, and would have run him through had not Claverhouse interfered.

† Preparing moss fuel.

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on a moor in the parish of Muirkirk—Grahame, who was marching with three troops of dragoons from Lesmahago, came upon him ere he was aware—the morning being dark and misty—and surrounding him, carried him to his cottage, where he examined him. His answers were so pertinent, that Claverhouse inquired at some of the people he had taken to guide him, whether he had ever been accustomed to preach; and on being answered that he never had, then, replied he, “I am sure if he has never preached meikle, he has prayed weel in his time:” and turning to his prisoner, said, “John, go to your prayers, for you shall immediately die.”

x. Brown, whose wife stood weeping beside him with a baby in her arms, and another infant by her side, performed this his last act of devotion with a solemnity, earnestness, and power, which affected even the hardest bosoms of the soldiers, and caused the commander himself twice to interrupt him. When he had finished, Grahame bade him take good-night of his wife and children. “Now, Marian,” said the sufferer with great affection, “the day is come which I told you would come when I first spake of marrying you.” “Indeed, John,” replied she, “I can willingly part with you.” “Then,” added he, “that is all I desire.” After he had kissed her and his children, and wished them “all purchased and promised blessings,” Claverhouse ordered his soldiers to fire; but Brown’s prayers had left a something that they could not overcome, and they refused. He then with his own pistol performed the office of the executioner.* When he had done this, he asked the widow, “what thinkest thou of thy husband now, woman?” She said, “I thought ever much good of him, and as much now as ever.” “It were but justice to lay thee beside him,” replied the assassin. “If ye were permitted,” answered she, “I doubt not but your cruelty would go that length; but how will you make answer for this morning’s work?” “To men I can be answerable, and as for God I will take him in my own hand,” replied Grahame, and, mounting his horse, rode off with his troops. But he

* Wodrow, vol. ii. p. 503. P. Walker says the soldiers did fire.

frequently acknowledged afterwards, that John Brown's prayer left such impressions upon his mind, that he never could get them altogether eradicated.

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XI. Destitute, afflicted, and tormented as the consistent presbyterians had been—and certainly the mountain-men deserve this epithet—their numbers had increased, and the preaching of Renwick confirmed and strengthened their resolution and their hopes ; for it was one ennobling feature in their character, that in the bloodiest, most agonizing, most depressed, and disheartening hours of persecution, they never despaired of the cause for which they suffered, but firmly believed the darker the night the nearer the morning. On this account government placed the south and west once more under military law. Drummond was sent again upon a circuit, and instructed to employ all his majesty's standing forces in these districts, or so many of them as he should find expedient, for pursuing, suppressing and utterly destroying all fugitive rebels, with orders to cause immediately shoot such of them to death as he should find in arms. The highlanders also were again called in, and a repetition of excesses took place similar to those formerly described. But shortly after, rumours reaching the council of Argyle's and Monmouth's preparations, their fury increased ; and scenes similar to what took place in England after the suppression of Monmouth's unsuccessful attempt, took place in Scotland before the unfortunate landing of Argyle ; and, besides the wanton murders already noticed, whole counties were subjected to free quarterings.

South and
west placed
under mili-
tary law.

XII. Not content, however, with plundering the property of the suspected, Claverhouse, with a diabolical refinement of cruelty, endeavoured to ruin their peace of mind by forcing them to swear to what he knew their whole souls were repugnant. He parcelled out the different shires where his command lay, but chiefly Nithsdale and Annandale, into certain divisions of from six to eight miles square ; and having stationed parties of horse upon eminences to intercept fugitives, he made his foot soldiers traverse the low or marshy ground where horse could not well pass, and drove the whole of the inhabitants of the division, men, women and children, together to one place, where, having surrounded them with

Inquisition
of Niths-
dale and
Annandale
by Claver-
house.

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Means to
extort in-
formation
from in-
fants.

his troops, he interrogated them separately, if they owned the duke of York, as he was formerly called, as king ; and swore all the men to passive obedience. If any of them faulted or refused, he ordered him to be carried to a distance from the rest, and to kneel with his eyes covered, when some of the soldiers fired either blank cartridge or over his head : thus terrified, the poor man was offered his life if he would swear to inform against all disloyal persons, which few had the courage to refuse. If any of them hesitated upon being asked whether they had taken the abjuration, they were instantly ordered to take it, and to swear that they did it willingly, and to promise to renounce their part in heaven if they ever repented of doing so ! In what follows it would not be easy to find a parallel for the hero of Drumclog, in total callousness of heart, except among his fellow-apostles of episcopacy, or among the familiars of the holy inquisition. All the children in the division, under ten years of age, and above six, were collected, and a party of soldiers drawn out before them. They were then bid to pray, for they were going to be shot. Some did, and some, with infantine simplicity, would answer :—sir, we cannot pray. They were desired to tell when they saw men with guns and swords in their hands, and if any got meat in the house, or if any took it to them to the door, and who took it ; else they would be shot. Others of them were carried away with the soldiers, and by every art of terror or flattery endeavoured to be made informers against their parents, either if they were under hiding themselves, or had been guilty of any humanity to those who were.*

XIII. But the military commission courts vied in the iniquity of their proceedings, and in their disregard of moral or natural feelings, with any other description of persecutors. A notorious instance occurred at Wigton about this same time. Two girls, daughters of a Gilbert Wilson—a small heritor who, together with his wife, had conformed to the times—refusing to hear the curates, were forced to flee to the mountains and were intercommuned. After wandering in the wilds for some time, when the king died, they ventured to visit an aged widow in Wigton, Margaret Mac-

* Vide a noble instance of an infant's intrepidity, p. 95.

Lauchlan, remarkable for her piety and prudence; but being ensnared by one of the government spies, who pretended kindness, they were seized, and thrust into the thief's-hole, where they lay till removed to a room in the prison, whither their friend, who had been caught in the act of worshipping God with her family, was brought: the three were immediately indicted for rebellion at Bothwell Bridge and Airds Moss, although M'Lauchlan was upwards of sixty, and the sisters were, the oldest about eighteen, and the other scarcely thirteen years of age. The absurdity of the accusations were apparent; but they refused to take the abjuration, which was guilt sufficient, and they were condemned to be drowned. The life of the youngest was purchased by her father for L.100 sterling; the other two, pursuant to their sentence, were tied to stakes within the flood-mark of the water of Blednoch. The widow, fixed farthest in, was first suffocated, but the last death-struggles of her companion did not shake the constancy of the youthful sufferer. She sung, with a cheerful voice, the 25th psalm from the seventh verse,* and read the 8th chapter of the epistle to the Romans. While she prayed, the water flowed over her; but before she was quite dead they pulled her out, and having held her up till she was recovered and able to speak, asked her if she would pray for the king? She said she wished the salvation of all men, and the damnation of none. One of the spectators then, deeply moved, affectionately urged her, "Dear Margaret say, God save the king." She answered with a steady composedness, "God save him if he will, for it is his salvation I desire." On which some of her relations eagerly called out to major Windram, who superintended the execution, "O sir, she has said it! she has said it!" But the inhuman wretch tendered her the oath of abjuration, and ordered her instantly to swear it or return to the water. She preferred to die rather

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Two women
drowned at
Wigton.

* Let not the errors of my youth
Nor sins remembered be;
In mercy for thy goodness sake,
O Lord, remember me.

The Lord is good and gracious,
He upright is also, &c.

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Friends of
freedom
increase.

than violate her conscience, and was immediately plunged again into the stream.

xiv. Instead of extirpating the friends of liberty and religion, these barbarities tended to increase them. Numbers of the moderate presbyterians, when they perceived that there was no alternative left but either to forsake their principles or flee to the mountains, joined the suffering remnant; and although they brought divisions, the detail of which belongs entirely to ecclesiastical history, yet they brought an accession of strength to the general cause of resistance, and added deeper notes to the outcry against tyranny. But while the spirit of freedom was hovering over the mountains, the mosses, and the glens of Scotland, and animating the bosoms of her denounced wanderers and proscribed exiles, the three estates presented the very mirror of abject baseness; and were rivetting, as much as in them lay, the fetters which every successive meeting since the restoration had been employed in forging.

Parlia-
ment.

xv. Before assembling his English parliament, James, in order to present them with an example of dutiful obedience, directed the Scottish parliament to meet at Edinburgh early in April, and appointed Queensberry,* whom he had summoned to London to receive instructions, to act as his commissioner. It was opened on the 28th, with a letter from his majesty, which ran thus: "My lords and gentlemen—the many experiences we have had of the loyalty and exemplary forwardness of that our ancient kingdom by their representatives in parliament assembled, in the reign of our deceased and most entirely beloved brother, of ever-

* Mr. Laing says, and he is copied by Mr. Fox, "A parliament which had been summoned in the preceding reign, was opened by Queensberry," but this question occasioned considerable discussion at the time, "whether the parliament could hold which was called by the last king, seeing *mortuo mandatore expirat mandatum?*" and the doctrine was opposed as being dangerous; for if a parliament called by the late king could sit without authority from his successor, it might continue its sitting in opposition to his inclination, and pass acts contrary to his interest. A new parliament was therefore called by the new king. Fountainhall's Decisions, vol. i. p. 339, *et seq.* And when it was prorogued from the 9th to the 25th, it did not meet and be prorogued, but the prorogation was simply announced by proclamation at the cross.—Ib. 356.

blessed memory, made us desirous to call you at this time, in the beginning of our reign, to give you an opportunity, not only of showing your duty to us in the same manner, but likewise of being exemplary to others in your demonstrations of affection to our person, and compliance with our desires, as you have most eminently been in times past to a degree never to be forgotten by us, nor, we hope, to be contradicted by your future practices. That which we are to propose to you at this time, is what is as necessary for your safety as our service, and what has a tendency more to secure your own privileges and properties than the aggrandizing our power and authority, though in it consists the greatest security of your rights and interests; these never having been in danger except when the royal power was brought too low to protect them, which now we are resolved to maintain in its greatest lustre; to the end we may be more enabled to defend and protect your religion as established by law, and your rights and properties—which was our design in calling this parliament—against fanatical contrivances, murderers and assassins, who, having no fear of God more than honour for us, have brought you into such difficulties as only the blessing of God upon the steady resolutions and actings of our said dearest royal brother, and those employed by him, in prosecution of the good and wholesome laws by you heretofore offered, could have saved you from the most horrid confusions and inevitable ruin. Nothing has been left unattempted by those wild and inhuman traitors for endeavouring to overturn your peace; and therefore we have good reason to hope that nothing will be wanting in you to secure yourselves and us from their outrage and violence in time coming; and to take care that such conspirators meet with their just deservings, so as others may thereby be deterred from courses so little agreeable to religion, or their duty and allegiance to us. These things we considered to be of so great importance to our royal, as well as the universal interest of that our kingdom, that we were resolved in person to have proposed the needful remedies to you. But things having so fallen out as to render this impossible for us, we have now thought fit to send our trusty and right entirely be-

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King's
letter.

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loved cousin and councillor, William, duke of Queensberry, to be our commissioner amongst you, of whose abilities and qualifications we have reason to be fully satisfied, and of whose faithfulness to us and zeal for our interest, we have had such signal proofs in the time of our greatest difficulties. Him we have fully intrusted in all things relating to our service and your own prosperity and happiness, and therefore you are to give him entire trust and credit as you now see we have done; from whose prudence and your most dutiful affection to us, we have full confidence of your most entire compliance and assistance in all those matters wherein he is instructed as aforesaid. We do therefore not only recommend unto you that such things may be done as are necessary in this juncture for your own peace and the support of our royal interest, of which we have had so much experience when amongst you, that we cannot doubt of your full and ample expressing the same on this occasion, by which the great concern we have in you our ancient and kindly people, may still increase, and you may transmit your loyal actions, as examples of duty to your posterity. In full confidence whereof, we do assure you of our royal favour and protection in all your concerns, and so we bid you heartily farewell."

Speech of
the com-
missioner.

xvi. The topics of his majesty's letter were enlarged upon by the commissioner and chancellor, in speeches not more revolting for their servile adulation to the prince as "one of incomparable excellence and unexampled clemency," than for their virulent invective against the persecuted presbyterians, whom they denominated "desperate, fanatical and irreclaimable;"—wretches of such monstrous principles and practices, as past ages never heard, nor those to come will hardly believe." The commissioner was particularly earnest in assuring his auditors of the king's princely resolution to maintain the religion and government of the church as established by law; of his great care for the persons and concerns of the regular clergy, and of his royal desire to encourage trade, and promote whatever would conduce to the prosperity and welfare of his ancient kingdom. In return, he only asked them for the extirpation of the fanatical party, "as no more rebels against the king than enemies of man-

kind ;”* to assert the rights and prerogatives of the crown, and to establish the revenue as amply for the present as it was enjoyed by the late king.

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xvii. The chancellor Perth asked, in rapture, whether in what relates to war or peace, the world had ever afforded such another as their glorious monarch ? Whether did ever hero complete the character so fully in overcoming bravely and showing gentleness to the vanquished ? And as a point of admiration, beyond which it was impossible to go, he could find not in Europe, no not in the whole world, a prince like the late king, except his glorious brother then reigning. To gratify a prince so clement and so humane, he proposed to the parliament to rid themselves and the country of a new sect sprung from the very dregs of the people, who had nothing in their mouths but the word of God, and whose idol was that accursed paper—the covenant. “ These monsters, who bring a public reproach upon the nation in the eyes of all our neighbours abroad, while in their gazettes we are mentioned as acting the vilest assassinations and the horriddest villanies.”

Of the
chancellor.

xviii. As every non-conformist was excluded by the test, this assembly presented a model of an episcopalian parliament in the purest excellence it ever attained in Scotland ; and forms an admirable contrast to that of 1649, which has always been esteemed the fairest exemplar of presbyterian legislation. They voted an address *nemine contradicente*, which, as exhibiting their principles in unadulterated genuineness, is a document not less worthy of preservation, than the letter to which it was a reply :—

“ MAY IT PLEASE YOUR SACRED MAJESTY,

“ Your majesty’s gracious and kind remembrance of the services done by this your ancient kingdom to the late king your brother, of ever-glorious memory, shall rather raise in us ardent desires to exceed whatever we have done formerly, than make us consider them as deserving the esteem your

Answer to
the king’s
letter.

* It is worthy of being observed, that the accusations brought against the “ fanatical party ” by their episcopalian persecutors, are exactly the crimes with which the heathen philosophers charged the first christians, whom Tacitus and Pliny characterize as a noxious sect, despisers of the gods, and enemies of mankind.

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majesty is pleased to express of them in your letter to us dated the twenty-eighth of March. The death of that our excellent monarch is lamented by us to all the degrees of grief that are consistent with our great joy for the succession of your sacred majesty, who has not only continued, but secured the happiness which his wisdom, his justice, and clemency procured to us; and having the honour to be the first parliament which meets by your royal authority, of which we are very sensible, your majesty may be confident that we will offer such laws as may best secure your majesty's sacred person, the royal family and government, and be so exemplarily loyal as to raise your honour and greatness to the utmost of our power, which we shall ever esteem both our duty and interest; nor shall we leave any thing undone for extirpating all fanaticism, but especially those fanatical murderers and assassins, and for detecting and punishing the late conspirators, whose pernicious and execrable designs did so much tend to subvert your majesty's government, and ruin us and all your majesty's faithful subjects. We can assure your majesty, that the subjects of this your majesty's ancient kingdom are so desirous to exceed all their predecessors in extraordinary marks of affection and obedience to your majesty, that—God be praised—the only way to be popular with us, is to be eminently loyal. Your majesty's care of us when you took us to be your special charge, your wisdom in extinguishing the seeds of rebellion and faction among us, your justice, which was so great as to be for ever exemplary: but above all, your majesty's free and cheerful securing to us our religion, when you were, the late king, your royal brother's commissioner, now again renewed when you are our sovereign, are what your subjects here can never forget. And therefore your majesty may expect that we will think your commands sacred as your person, and that your inclination will prevent our debates. Nor did ever any who represented our monarchs as their commissioners,—except your royal self—meet with greater respect or more exact observance from a parliament than the duke of Queensberry—whom your majesty has so wisely chosen to represent you in this, and of whose eminent loyalty and great abilities in all his former employments this nation hath seen so many

proofs—shall find from—may it please your sacred majesty—your majesty's most humble, most faithful, and most obedient subjects and servants."

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xix. Nor did their subsequent proceedings dishonour their loyal commencement. After an introductory act confirming "all the acts and statutes formerly past, for the security, liberty, and freedom of the true church of God, and the protestant religion," "they declared to the world their abhorrence and detestation of all principles and positions contrary or derogatory to the king's sacred, supreme, sovereign, absolute power and authority" "which none," such is their language, "whether persons or collective bodies, can participate of in any manner of way, or upon any pretext; but in dependence on him, and by commission from him." They renewed their hearty and sincere offer of their lives and fortunes to defend his rights against all mortals who should adventure on the impiety of invading them, and placed at his disposal the whole nation between sixteen and sixty, armed and provided; and annexed the excise for ever to the crown. Bills were passed to legalize by *ex post facto* enactments, the most severe and unjustifiable acts of the privy council, and the not less iniquitous sentences of the court of justiciary. An ample unqualified indemnity was voted for the privy council, judges, and all officers of the crown, civil or military, for all the violences they had committed, while they were authorized to proceed to new and more enormous stretches of legal tyranny. Their servility.

xx. To Scottishmen of the nineteenth century it were an insult to attempt proving, that neither national liberty nor personal security, can exist where any tribunal possesses power to compel individuals to swear to alleged circumstances or supposed conversations. No exigence of state—no imminence of danger—can authorize intrusting into the hands of men a prerogative which belongs to Deity alone:—that of requiring from a witness the secrecies of friendship, or the thoughts of the heart. This parliament, however, allowed a principle recognised only by the worst of tribunals; that all such persons as being cited in cases of high treason, field or house conventicles, or church irregularities, should refuse to give testimony, should be liable to the

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Their ini-
quitous
acts.

Confisca-
tions.

punishment due by law to the delinquents, or suspected delinquents, against whom they refused to bear witness. The tremendous extent of this law will be somewhat comprehended when the definite nature of treason, as understood in the then criminal practice of Scotland, is adverted to; other acts, however, extended and aggravated the legal definition of the crime. To administer, or to receive the covenants, to write in their defence, or to acknowledge their obligation, was declared treason: the punishments of death and confiscation were already the consequences of being detected preaching the gospel in the fields; hearing was now subjected to the like penalty; expounding the scriptures, or worshipping God in a private house, if there were five persons more than the members of the family present, was also treason against the episcopalian church and state, and the minister's doom was the gibbet. At the same time, the imposition of the test was resumed and extended to all heritors, liferenters, or tacksmen, under fines at discretion of the judge; but by an act intended to exclude papists from places of trust, they alone were exempted, and when the bishops of Ross and Dumblane objected to imposing oaths on ignorant people, the earl of Lauderdale, seconded by Eglinton and Linlithgow, moved that it should comprehend women as well as men;—an extension which appears to have been defeated only in consequence of a motion by sir John Lauder, that the Roman catholics should also be included. Next followed the forfeiture of sir John Cochrane, sir Patrick Hume, lord Melville, Pringle of Torwoodlee, Stewart of Cultness, Fletcher of Saltoun, and some other gentlemen implicated in the late conspiracy; and to fill up the measure of injustice towards the Cessnocks, father and son, they were brought before parliament:—knowing the hopelessness of attempting any defence, they threw themselves on the royal mercy, and were only, in consequence, deprived of their estates and sent to the Bass. Their estates, together with those of Argyle, Jerviswood, Douchal, and about twenty others, were, by an act which wound up this scene of unprincipled murder and robbery, annexed for ever to the crown.

xxi. Sensible, however, that where property was held by

so frail a tenure, and where every new administration might, in an equally summary manner, retract what their predecessors had so arbitrarily bestowed, no royal favour could confer permanence on its gifts; the majority in this servile assembly endeavoured—as a late historian has conjectured with much plausibility—obliquely to obtain, by an act of tailzie, what they had not the courage otherwise to acquire:—security for their estates from the rapacity of the crown. “To save their families from ruin,” Mr. Laing observes, “they sought by an indirect expedient to elude the iniquitous laws and corrupt practices which they were too dependent to reject or to resist. Entails had already been introduced in a few instances, but were reprobated as repugnant to the genius of the laws. Corruption of blood, which obstructs the course of succession, was a penalty never incurred as the consequence of attainder, unless it were inflicted by an act of *dishabilitation*; and the estates, relying secretly on the maxim, that nothing more could be forfeited than the person attainted was entitled to alienate, passed an act by which lands might be entailed to perpetuity, and the rights of an endless series of heirs be reduced almost to an usufructuary interest during their lives;” but as if to perpetuate a remembrance of the villanous morality of the times, in order to preserve the estates of the noble families, the just claims of the honest creditors were legally set aside.* Under the pretext of securing their estates from alienation for debts, the nobility undoubtedly expected to preserve their families, in the event of an attainder, from the forfeiture of more than the life-rent interest or escheat of an heir; the commissioner consented to the act to perpetuate his own acquisitions to his family; and from the tyranny of James, entails were introduced into Scotland,

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Entails
first introduced.

* It is a truth which can never be too often, nor too widely inculcated, that where public freedom is invaded, private property ceases to be secure; nor is it more stable under a settled despotism, than amid the successive changes of revolutionary times. The French revolution has presented many strange coincidences; and at this moment presents, in their act of February 12, 1826—an act corresponding to our act of entails. The family of the Stuarts reigned after their restoration twenty-seven years. How long the Bourbons may keep their seats remains to be seen.

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Move-
ments of
the exiles
in Holland.Views of
their
chiefs.Disagree-
ment of the
Scottish.

when the rigour of the feudal system everywhere else had almost expired.*

XXII. Any favourable change in the government being rendered hopeless by the death of Charles, the Scottish exiles, while the parliament was occupied in confirming their forfeitures, were engaged in planning the deliverance of their country. Anticipating, from the known character of James, the extinction of both religion and liberty, they were anxious, by some speedy effort, to prevent the chains of slavery from being rivetted by packed parliaments and military force; but as the appearances of Pentland and Bothwell-bridge had been frustrated and defeated for want of co-operation with the friends of liberty in England and Ireland, they considered that it would be requisite to ensure themselves from the danger of an attack from the latter, while a simultaneous invasion of the former kingdom would distract the councils and divide the forces of the king. What their ultimate object was, beyond freeing their country from immediate tyranny, does not appear; but to the want of a properly defined and generally understood rallying point, is to be attributed the failure of their design. Monmouth seems from the first to have aspired to the crown, sir Patrick Murray evidently contemplated at least the possibility of a commonwealth, and Argyle perhaps looked forward to the triumph of the covenant.

XXIII. When they met at Rotterdam, their differences were apparent. Argyle had, independently of any of the others, planned a descent upon the west coast of Scotland, and procured, chiefly from Mrs. Smith, [vide p. 54, note] a sum of money, with which he had purchased arms and ammunition sufficient for his purpose; and he naturally assumed the direction of an expedition of which he alone was the origin and the supporter. But upon admitting his fellow countrymen to participate in his project, they desired not a share, but the superintendence of the whole expedition, a complete explanation of the plan, and an entire management

* Scottish Acts, v. vii. ; Wodrow, v. ii. p. 415, *et seq.* and Append. x. No. 106 ; Fountainhall's Decis. v. i. p. 36-38 ; *ibid.* Notes, p. 129-131 ; Laing's Hist. v. iii. p. 167.

of the execution ; and when the earl refused to grant them this, they threatened to defeat the object by writing to their correspondents in Scotland to counteract the enterprise. BOOK XVIII.

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The interference of mutual friends produced a partial agreement ; and at a meeting on the 17th of April, at which were Partially cemented.

present the earl of Argyle, Mr. Charles Campbell, his son, sir John Cochrane of Ochiltree, sir Patrick Hume of Polwart, George Pringle of Torwoodlee, William Denholm of Westshiels, George Hume of Bassendean, John Cochrane of Waterside, Mr. George Wiseheart, William Clelland, James Stuart, advocate, and Mr. Gilbert Elliott, they formed themselves into a council for consulting and determining on whatsoever related to the great undertaking for the recovery of the religion, rights, and liberties of the kingdom of Scotland. Sir John Cochrane being chosen president, and William Spence clerk, it was resolved for this purpose, to Resolve to declare war. declare war against the duke of York and his associates, and Mr. James Stuart was appointed to draw up the declaration.

xxiv. Argyle was unanimously chosen general of the army, and messengers were despatched to Scotland and Ireland, to Argyle appointed general. prepare their friends for the reception of the expedition, which was hastened forward with such alacrity, that on the 28th of the same month the whole were embarked on board the fleet, consisting of the Anna, Sophia, and David, which were off Vlie on the 1st, and got under weigh for Scotland The expedition sails for Scotland. on the 2d of May ; being previously assured by the duke of Monmouth, that, on the sixth day after their departure, he and his companions would set sail for England, from whence he had the most encouraging promises, and the fairest prospects of success.

xxv. Accounts of the preparations going forward in Holland had been early received in Scotland, and measures taken to defeat the attempt. All the strengths in Argyleshire were ordered to be dismantled in the beginning of spring. Upon the first rumours of its having sailed, all the heritors and vassals of that district were summoned to Edinburgh, Precautions to defeat the invasion. the chief of them detained as hostages, the others ordered to find security for their peaceable behaviour, and the whole fencible men commanded to hold themselves in readiness to attend the king's host, with twenty days' provisions, at twen-

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ty-four hours notice. Upon this occasion the fiery cross was sent through the west of Fife and Kinross by order of the privy council;—the last time this signal was raised in Scotland by authority of government. The relations of the exiles were also secured: the countess of Argyle and her family in Edinburgh castle, with sundry burgesses of Edinburgh, among whom the most conspicuous was Harry Fletcher, Saltoun's brother.*

Prisoners
sent from
Edinburgh
to Dunnot-
ter.

Their
treatment
on the
march.

xxvi. A more cruel precaution was adopted towards the prisoners confined for conventicles or for nonconformity. Numbers who had been collected from various parts of the country were, on the evening of the 18th of May, suddenly sent off from the jail of Edinburgh and Canongate for Dunnotter castle.† They were hurried over the firth in open boats, without being permitted to speak or take farewell of their friends, many of whom stood weeping on the shore, uncertain whether they might ever meet again, and wishing to give them some necessary supplies for their journey. When they landed at Burntisland about day-break they were crammed, to the number of two hundred and forty, into two small rooms in the tolbooth, without distinction of sex, where they were confined for two days and two nights, nor allowed even the wretched privilege of such a retirement as common decency requires. They had no provisions afforded them, and it was as a favour that some were permitted to purchase bread and water. In their extremity the oath of allegiance and supremacy was offered; forty only accepted, and were sent back to Edinburgh; the rest, who

* Fountainhall, v. i. p. 361. Chron. Notes, 126, 127.

† Purchased from earl Marischall for a state prison. Fountainhall, p. 362.

A long and very well written article appeared in the Edinburgh Magazine for March 1823, entitled Dunnotter Castle. It purports to be a picture of the horrors of that scene, and as such, is well painted. I cannot help, however, remarking, that such attempts to blend truth and fiction together, become highly reprehensible, unless the circumstance be distinctly marked. They go far to destroy the confidence we have in real narratives, and in those publications which heretofore were considered as repositories of facts; and no entertainment, nor any attempt at instruction or improvement, can compensate for a practice which substitutes effect for reality. I would recognise no system in which truth is regarded as a secondary object; and to mingle falsehood with historical facts is the worst species of deterioration.

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would have taken the oath of allegiance, refused to acknowledge a professed papist as the visible head of a protestant church, and were driven north at the mercy of a brutal soldiery, who urged them on, without respect to the feebleness of age, or the infirmities of disease. And when exhausted by marching,—the greater part having their hands tied in cords behind their backs—without food, and cramped with rheumatism, contracted by lying in damp unwholesome dungeons, or exposed to the inclemency of a wet and rainy season, the weary prisoners begged only for a little rest or refreshment, their unfeeling guard replied to their entreaties by blows, and would not suffer some of the humane peasantry, who pitied their sufferings, to minister to their necessities.*

xxvii. On their arrival at Dunnotter they were thrust into a dark vault, that had but one window on the side next the sea, was full of mire ankle-deep, and only of size sufficient to accommodate them standing or sitting. In this dreadful place were they pent up almost the whole of the summer, without air—without ease—without room to walk or lie—and without any comfort except what they derived from heaven. The governor's brother, who had a monopoly of the provisions, obliged them to purchase the worst kind at the dearest rate, and the very water was sold to them as long as they had money to purchase. Disease began at length to be generated by the filth by which they were surrounded; and the governor's lady having been induced to visit the execrable cells, shocked at the indecency and inhumanity of the scene, procured from her husband that the women should be put into apartments by themselves, and the men removed to places where they could breathe a less pestilential atmosphere. About the end of the year, the greater part of those who survived were sent to the plantations—the men after having their ears cropped, and the women branded with hot irons on the face.

In the
dungeon.Humanity
of the go-
vernor's
lady.Survivors
sent to the
plantations.

xxviii. Unpropitious as was the appearance of affairs in

* Wodrow, v. ii. p. 528, *et seq.* Fountainhall, v. i. p. 362. Memoirs of Rev. John Blackader.

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Jealousies
again break
out in Ar-
gyle's ar-
mament.

His secre-
tary seized
at Orkney.

His recep-
tion in Ar-
gyle unfav-
ourable.

His propo-
sal to go to
the high-
lands op-
posed.

Scotland for the success of Argyle, his expedition carried within itself more certain signs of failure: there was no one commanding master mind—there was no unity of design, and no cordial co-operation between the council and the general; the jealousies which began in Holland broke out on the voyage, and ended, as was natural, in disaster and defeat.

xxix. In three days the squadron reached Orkney, where unfortunately, the secretary, Mr. Spence and Dr. Blackader, having gone on shore at Kirkwall—for what reason it is difficult to ascertain—were seized by the bishop and sent to Edinburgh, with certain intelligence of the arrival of Argyle in these seas, the extent of his armament, and the direction of his course. On reaching Argyle, the earl sent his son Charles to inform his friends of his arrival; their fears, however, or their obligations to government, restrained them from showing any inclination to join their chief, who, disheartened at this unexpected reception, attempted to surprise a small body of Atholmen, who were spoiling Isla. Disappointed here also, he sent his son again to the mainland, to raise the fiery cross, and sailed for Campbelton, where he published his declaration, which produced little or no effect, while the unpromising apathy of the inhabitants of the peninsular district occasioned a decided difference as to the mode of their future procedure between Argyle and his companions.

xxx. He proposed to proceed directly to the highlands and arm his vassals, on purpose to descend with such a commanding force from the mountains as would give confidence to the dissatisfied. Sir Patrick Hume and sir John Cochrane, from the encouraging accounts they had received, were for advancing into the lowlands, especially as they alleged the people there would engage from affection to the cause, whereas the highlanders would only be induced to follow the standard from attachment to their chief; at least they thought they should divide so that some might go. But Argyle, on hearing that his son Charles was at Tarbet castle with about 1200 men, proposed that sir P. Hume and the others should bring up the ships, while he and sir John

Cochrane marched through Kintyre by land, and raised the inhabitants, which would afford a respectable force to send to the lowlands, and allow him to remain with a number sufficient to protect the country against Athol, and complete the levies.*

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xxxI. At Tarbet their whole force amounted to 1800 men, horse and foot; and Argyle being informed that Athol had possession of Inverary, issued his address to his vassals, and determined not to divide, but to endeavour to dislodge him before descending to the low country. It was represented to him that every moment was precious, as it allowed the king's forces to advance and to gather strength, to overawe the timid and to confirm the wavering; that the fate of the highlands must be decided in the low country, while desultory warfare among the mountains would only fritter away their strength without producing any important or beneficial effect. The earl, who still entertained sanguine expectations of being able to collect a formidable number of clansmen, and was apprized of the disinclination of the wanderers to join his "mixed multitude," continued inflexible, till provisions becoming scarce, the armament put into Bute, whence sir John Cochrane and Hume, accompanied by major Fullarton, one of Argyle's steadiest and most confidential adherents, proceeded with two of the vessels to Greenock in search of supplies, and alarmed the country without obtaining more than a pitiful quantity of oatmeal. On their

Determines to recover Inverary.

Forced to take refuge in Bute.

* The covenanters, who still held their original principles, and whose numbers greatly augmented during the hottest times of the persecution, could not join with Argyle, and of this he was informed by the messengers who had been sent before from Holland to inquire into the state of the country, and the sentiments of the sufferers. Cleland's letter to sir John Cochrane, Wodrow, vol. ii. p. 533, is I think explicit as to the terms upon which alone they would have consented to act; and it appears evident to me, that if Argyle had gone to the low country immediately, he might perhaps have collected as numerous a body, but it would have been as discordant an assemblage as those at Bothwell Bridge. His only chance of success was in having a disciplined, obedient, respectable force as a nucleus whence the radii of organization might have emanated with power among the multitudes as they joined, and enabled him to render their numbers effective. The government was too well apprized of his motions and too well prepared, for the 300 men he brought with him, to have done any thing else in the first instance than they did. Sir Patrick Hume's narrative, I think, confirms in every material point the earl's notes.

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Fortifies
Ellengreg.

return the dissensions revived, but sir John Cochrane had already acceded to the plan of Argyle, when the appearance of some English frigates on the coast rendered it impossible to adopt any other.

xxxii. Forced to seek shelter, he landed his ammunition and arms, and placed his little fleet under the protection of the castle of Ellengreg, which he fortified and garrisoned as well as his slender means would permit. Rumbold meanwhile seized Ardkinglas at the head of Lochfine, and having defeated Athol in a skirmish, Argyle conceived hopes of yet relieving Inverary, when the intelligence of fresh discontents recalled him to Ellengreg. His associates still earnestly pressing him to march to the lowlands, he proposed to make a dash at the frigates with his three ships, and, disregarding their superior weight, engage them while the small craft attempted a passage; but he soon discovered that he was far indeed from being furnished with the materials necessary to put in execution so bold, or, as his associates thought it, so desperate a resolution.

Proceeds to
the low-
lands.

xxxiii. Leaving Ellengreg, therefore, once more with a garrison under the command of the laird of Lopness, and strict orders to destroy both ships and fortifications rather than suffer them to fall into the hands of the enemy, he marched to Glenderule, where he stayed three days, attempting unsuccessfully to recruit. From thence he proceeded to Lochstreen head, his followers diminishing instead of increasing as he went on. His leading associates, however, who augured more favourably of the low country, stimulating him to advance, they crossed Lochlong "troublesomely in boats, and lay on the rocky side of it all night." In the morning they were unexpectedly joined by the whole men of the garrison, fort, and vessels, who brought the unwelcome intelligence that the near approach of the frigates had obliged them to evacuate the castle, and leave their arms and ammunition in the enemy's possession, nor had they been so much as able to destroy the shipping.

Ellengreg
evacuated.

xxxiv. Although distressed at this untoward event, which extinguished all his hopes of establishing himself in Argyleshire, the earl marched forward to Lochgare, where receiving intelligence that Huntly was advancing to join Athol, and

that Dunbarton, with the standing forces was about Glasgow, he resolved instantly to cross the Leven and fight the lowland troops wherever he could find them; a resolution, in their now desperate circumstances, gallant at least, and which might perhaps have been safe, and in which sir John Cochrane appears to have acquiesced, but sir Patrick Hume most strenuously opposed it, "as madness to keep together, or think of fighting the forces in a body, to lose the remains of their hopes in one desperate attempt," and advised Argyle to return back by the head of Lochlong to Argyleshire, where he might probably get more men, and where his highlanders would fight if anywhere, being their own interest; and that the rest of the army, consisting of the volunteers from Holland and the lowlanders who had come to them, should divide, one half to go down Lochlong and the other down Lochgare, to land at places where there were no troops, seize on a sufficient number of horses, and march to strong grounds in these countries, that people might have easy access to join them." Argyle replied, "any that would not go with him might do as they pleased, his intention was not [now] to fight the enemy if he could shift them, but to march straight to Glasgow, and there do the next best." The troops in general not being inclined to separate, sir Patrick very ungraciously gave in, and when he found further contention unavailing, persuaded some others of the more refractory also to comply.

Distraction
in his coun-
cil.

He re-
solves for
Glasgow.

xxxv. Thus having spent five weeks in the highlands, in a state of wretched disunion among their leaders—the never-failing source of all the misfortunes of all Scottish enterprises—the hapless remains of the ill-fated expedition moved from Lochgare on the 16th of June, and crossed the water of Leven at night, three miles above Dunbarton. Early next morning, they re-commenced their march, weary and hungry, and about seven o'clock, discovering a large party of horse in front, they diverged to the village of Kilmaronock, where they procured refreshment. By this circuit a considerable part of the day was consumed, and about two o'clock the enemy appeared in sight, and again Argyle was for risking an engagement, and the men showed every disposition to put their last stake to the hazard—the only

His wish
to give bat-
tle thwart-
ed.

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Night
march.

chance that remained to them ;—but again sir Patrick Hume opposed it, and a council of war being held, it was agreed to pass the enemy in the night and try for Glasgow. Large fires were kindled, there being an abundance of peats, [turf] and heather on the spot ; and the stratagem succeeding, they drew off unperceived by the royalists, but in the hurry or the dark, their guides misled them, and they fell into difficulties which would have caused some disorder among the most regular and best disciplined troops ; in this case such disorder was fatal, and produced among men circumstanced as Argyle's were, an almost general despair.

Confusion.

Rumbold
taken pri-
soner.

xxxvi. Wandering among bogs and morasses, disheartened by fatigue, terrified by indistinct or exaggerated rumours, the darkness of the night, aggravating at once every real distress, and adding terror to every vain alarm, their officers were unable to rally their men, and the men unable to find their officers. Amid this confusion, the brave Rumbold was separated from his corps, and while bravely defending himself, wounded and made prisoner.*

The troops
separate.

xxxvii. Numbers took the opportunity to abandon a cause now become desperate, and to effect that escape individually which, as a body, they had no longer any hopes to accomplish ; next morning, when the scattered remains were collected at Kilpatrick, there were not in all above five hundred men, and these worn out, hungry, and dejected. No hope of success, and not even a prospect of safety seemed now to remain for the few that were left, except in their speedy flight to the fastnesses or the hills ; but in this the leaders were as usual divided. Cochrane, after advising Argyle to return to his own country with the highlanders he had, hurried Hume into Renfrewshire, accompanied by about one hundred and fifty of the lowlanders, who were in hopes of reaching the mountain men, or finding a way to join Monmouth.†

Cochrane
flies for the
south.

* While defending himself against a large party, a countryman came behind him with a pitchfork and turned his steel cap off his head, upon which he said, "O cruel countryman ! to use me thus while my face is to mine enemy."—*Scots Worthies*, App.

† Wodrow, vol. ii. p. 529, *et seq.* Sir Patrick Hume's Narrative. *Memoirs of George Brysson*, p. 305, *et seq.*

xxxviii. The earl left to his own resources, sent off sir Duncan Campbell, captain Duncanson, and his son, to attempt new levies among his friends, and having settled a plan of correspondence, repaired to the house of an old servant with whom he hoped to find a safe hiding place; but being peremptorily refused admittance, he was forced to cross the Clyde, and attempt to escape in the disguise of a countryman. Crossing the Carte at the ford of Inchcannon, he was challenged by two militia men on horseback, with whom he—also on horseback—grappled till one of them and himself came to the ground; he then presented his pocket pistols, on which the two retired, but soon after five more came up, who fired without effect, and he thought himself like to get rid of them, but they knocked him down with their swords and seized him. In falling, he exclaimed, “alas unfortunate Argyle!” and the soldiers, when they understood whom they had taken, appeared much concerned, but durst not let him go. The noble prisoner was immediately carried to Renfrew, and on the 20th of June brought to Edinburgh under a strong escort. By express order of the privy council, he was conducted from the Watergate up the High Street to the castle, bare-headed, and with his hands tied behind his back, preceded by the hangman in his uniform, and surrounded by captain Graham’s guards; the horse guards marching in front and bringing up the rear of the procession.*

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Argyle attempts to escape.

Taken prisoner.

Brought to Edinburgh.

xxxix. Before Argyle was taken, the estates had voted an address to the king, in which, after noticing with their usual servility the happiness conferred on the nation by the long and continued succession of glorious and just monarchs, and the high expectations formed of its endurance from the extraordinary justice, prudence, courage and conduct of his sacred majesty; they expressed their horror at the unparalleled treachery of that hereditary and arch-traitor, Archibald Campbell, aggravated as it was by his ingratitude to the late merciful king for the favour bestowed upon his family; and implored his majesty with earnestness that that execrable traitor, his family, the heritors, ring-

Address of the estates to the king respecting him.

* Argyle’s own Notes.—Wodrow.

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leaders and preachers who had joined with him, should be for ever declared incapable of mercy, or bearing any honour or estate in the kingdom; and all subjects discharged under the highest pain to intercede for them in any manner of way.

His exami-
nations

XL. When he was taken, his treatment was quite in accordance with the sentiments of the address: and the only dispute was, whether he should be executed in pursuance of his old sentence, or be tried anew for his present rebellion. The former was proposed by the privy council, who, in cases of doubt, appear always to have had a predilection for that process which militated most against whatever was legal, just or humane. In his examination, he was threatened with torture, and his enemies were only saved the infamy of inflicting it by the frankness with which he answered their interrogations; he boldly avowed his hopes to have been founded on the cruelty of the administration, and such a disposition in the people to revolt, as he conceived to be the natural consequence of oppression. He acknowledged at the same time, that he had trusted too much to this principle; but he gave no information tending to implicate any of his friends either in Scotland or England, who were not already known to have engaged in the undertaking.*

Warrant
for his tor-
ture and
execution.

XLI. James, who was equally desirous to discover the extent of the plot, and to satiate his revenge on the unfortunate nobleman, lost no time in signifying to the Scottish government how he wished his victim to be disposed of. An express was despatched with the following letter, which stands registered in the council books, June 29—"Whereas the late earl of Argyle is, by the providence of God, fallen into our power, it is our will and pleasure that you take *all ways* to know from him those things which concern our government most, as his assisters with men, arms and money; his

* Mr Rose, after examining the subject, concludes: "On the whole, upon the most attentive consideration of any thing that has been written on the subject, there does not appear to have been any intention of applying torture in the case of the earl of Argyle." Obs. p. 182. The intention to me seems sufficiently established to warrant a place in the narrative; but had evidence been wanting, Barrillon's is unexceptionable; in a letter in Mr. Fox's own appendix, after mentioning the execution of Argyle and his ample confession, he adds, *celle lui a sauvé la question*. Fox's Hist. append. p. 114.

associates and correspondents ; his designs, &c. But this must be done so as no time may be lost in bringing him to condign punishment, by causing him to be demeaned as a traitor within the space of three days after this shall come to your hands ; an account of which, with what he shall confess, you shall send immediately to us or our secretaries, for doing which this shall be your warrant." And the privy council, to whom the earl was not less obnoxious, ordered the sentence to be carried into execution next day.

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XLII. Whatever difference of opinion may exist respecting his conduct during the expedition, there can exist but one opinion with regard to his behaviour from the time of his capture till the moment of his death—it was dignified by humble resignation, and exalted by christian hope. The general frame of his mind may be estimated from the notes written by him in prison ; and they bear evidence to the equanimity with which he passed through the last trying scene ; they contain no vindictive or harsh reflections on his enemies.* In expressing himself respecting those to whom he

His resignation.

* It is true he has the following sentence—" * * * friends were our greatest enemies, both to betray and destroy us ; and indeed * * * and * * * were the greatest cause of our rout and of my being taken." The first blank has never been attempted to be filled up. I should imagine it may refer to such men as the Laird of Lochneil, who gave him assurances of assistance, and then betrayed him by sending intelligence to government ; sir John Cochrane and sir Patrick Murray's names have been generally assigned for the two last, and from sir Patrick's account since published, I do not at all wonder, that, after the manner in which they treated the earl, at the dispersion at Kilpatrick he should consider their conduct as both factious and cowardly. He acquits them of any intention, and certainly their whole life attests their sincerity and uprightness ; but good men may be panic-struck although no cowards, and factious though friendly to an undertaking. An obstinate speechifying good man, whose motives in the main we must respect, while we are compelled to dissent from his views or distrust his judgment or his courage, is one of all others the best fitted for ruining any business which requires promptness of decision, and an accurate perception of what is essentially proper, without waiting to weigh a long train of reasoning ; and, according to Carstairs, sir Patrick was "a lover of long speeches." The following passage from his narrative convinces me that he was a man given to object ; and that had he had any second, he would have broken the small band at Muirdyke in the same manner he did the party at Kirkpatrick. "Sir John would have us divide in three parties, and gae over a little deam [?] to charge them ; I would have them takeing meat, and sitting a gaird on a stone dyke to defend the deam by turns ;

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Laments
his sup-
porting the
measures of
the late
king.

attributed chiefly his own misfortune, and the failure of his enterprise, his language is rather that of sorrow than of any harsher feeling; and even the apathy of his country moves more his pity than resentment. He never had considered himself as a subject of king James; who, besides being a papist, which legally forfeited his birthright, had never taken the coronation oath, and consequently never speaks of his attempt with regret; but he bitterly lamented the support he had given to the tyrannical measures of Charles. "My gross compliances," said he, when speaking on the subject, "are now sad and grievous to me, for these the Lord will not honour me to be instrumental in his work; but I desire to die in the faith of a deliverance to his church and people: and though I will not take upon me to be a prophet, yet having strong impressions thereof upon my spirit, I doubt not but deliverance will come very suddenly, and I hope I shall be well."

His last in-
terview
with his
sister.

XLIII. The Sabbath before his death he spent in earnest and lively devotion. In taking leave of his sister, lady Lothian, who was much affected, he told her, "I am now hurried from you and all earthly affections, and long to be with Christ, which is far better." "I hear," added he, "they cannot agree about the manner of my death; as to that, I am at a point; for I have given myself up to the Lord's disposal, and am assured of my salvation; as for my body, I care not what they do with it." His last charge was expressive of his affectionate disposition. "Be kind to my Jeanie." She assured him she would, and the more for his cause—tears stopped her further utterance, and they parted. Tuesday, June 30th, the day of his execution, while engaged in some necessary arrangements, he said to a friend who was near him, "I have more joy and comfort this day than the day after I escaped out of the castle." The same sen-

that we might not lose time, but get at a strong moss he intended to be at before night; but he gave me a reason to satisfaction," &c. Narrative, p. 64.

"But after all," the earl adds upon another piece of paper, "I am not pleased with myself; I have given so hard epithets of some of my countrymen, seeing they are christians, pray put it out of any account you give." And I hardly think it was fair to give publicity to any hasty accusation which the noble person himself, upon second thoughts, wished to suppress.

timent he expressed in several letters which he wrote at the same time.

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XLIV. Before he left the castle he dined at his usual hour with cheerfulness, and also welcomed Mr. Charters, who was rather late, with a pleasantry, "*Sero venientibus ossa.*" After dinner, as was his custom, he retired to his bed-closet, where he slept quietly for about a quarter of an hour. While he was in bed, one of the principal officers of state came from the council with some message for the earl, and desired to speak with him. Upon being informed that his lordship was asleep, and had left orders not to be disturbed, he naturally suspecting it to be a device, to avoid further questions, insisted to see him; in order to satisfy him, the door was opened softly, and he beheld the earl in a sweet and tranquil slumber. Without speaking a word, the intruder abruptly left the room, and with the utmost agitation ran out of the castle to the house of one of his own relatives, who lived on the Castlehill, and threw himself on a bed, in a bed-chamber, groaning in agony. The lady of the house, informed by the servants, came immediately to the apartment, and imagining that he was unwell, called for a glass of sack, and begged him to take it. "No, no!" replied he, putting it away, "that will not help me; I have been at Argyle, and saw him sleeping as pleasantly as ever a man did, within an hour of eternity: but as for me ——" "We know not," says Fox in mentioning the anecdote, "who this man was; but when we reflect that the guilt which agonized him was probably incurred for the sake of some vain title, or at least of some increase of wealth which he did not want, and possibly knew not how to enjoy, our disgust is turned into something like compassion for that very foolish class of men whom the world call wise in their generation." Soon after his short repose, Argyle, accompanied by a few friends—the number allowed in the warrant was eight—went down to the laigh council-house, where he wrote the following letter to his countess immediately before he proceeded to the scaffold:—

Interesting
incident.

"DEAR HEART—As God is of himself unchangeable, so he hath been always good and gracious to me, and no place alters it; only I acknowledge I am sometimes less capable of

His letter
to his lady.

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a due sense of it. But now, above all my life, I thank God I am sensible of his presence with me, with great assurance of his favour through Jesus Christ, and I doubt not it will continue till I be in glory. Forgive me all my faults, and now comfort thyself in Him in whom only true comfort is to be found. The Lord be with thee—bless thee and comfort thee—my dearest—adieu.”

His speech
on the
scaffold.

XLV. Upon the scaffold he expressed again his sense of his sinful compliances; but he regretted, with particular emphasis, that he had not set apart more time for private devotion, and that he had too often, from deference to general custom, neglected the worship of God in his family; that he had not improved his three years respite so much for the glory of God as he ought to have done, and solemnly warned those who heard him to beware of similar omissions. After he had joined in prayer with Mr. Annand, a minister appointed by government to attend him, he requested Mr. Charters, the minister he had made choice of himself, to pray. His speech was in unison with his whole deportment —“I intended,” said he, “mainly to express my humble, and, I thank God, cheerful submission to his divine will, and my willingness to forgive all men—even my enemies. We are neither to despise our afflictions, nor to faint under them. We are not to suffer our spirits to be exasperated against the instruments of our trouble, for the same affliction may be the effect of their passion, yet sent to punish us for our sins. Nor are we, by fraudulent, pusillanimous compliance in wicked courses, to bring guilt upon ourselves; faint hearts are ordinarily false hearts, choosing sin rather than suffering, preferring a short life, with eternal death, before temporal death with a crown of glory.” He then offered up prayer to God for the peace of the three kingdoms, their restoration to the purity of religious principle, and their preservation from a spirit of profaneness, infidelity, oppression, popery, and persecution; and was about to conclude with intreating the forgiveness of all present, and their uniting with him in beseeching the great, good, and merciful God, to sanctify his present lot, and for Jesus Christ’s sake to pardon all his sins, and receive him to his everlasting glory, when it being suggested to him that he had said nothing of

His pray-
er.

the royal family, he added that this brought to his recollection what he had said before the justices at his trial about the test, that at his death he would pray that they might never want one of the royal family to be a defender of the true ancient apostolic Catholic and Protestant faith ; “ and that,” he added, “ I now do, and may God enlighten and forgive all of them that are either hid in error, or have shrunk from the profession of the truth ; and in all events I pray God may provide for the security of his church, and that antichrist nor the gates of hell may never prevail against it.”

XLVI. When he had ended, he turned to the south side of the scaffold and said,—“ Gentlemen, I pray you do not misconstrue my behaviour this day : I truly forgive all men their wrongs and injuries done against me—as I desire to be forgiven of God.” Mr. Annand repeated these words louder to the people. The earl then went to the north side of the scaffold, and used the same or like expressions. Mr. Annand again repeated them, and adding, “ This nobleman dies a Protestant.” The earl then stepped forward and said, “ I die not only a Protestant, but with a heart hatred of popery, prelacy, and all superstition whatsoever :”—an explanation he probably deemed necessary, as Annand was an episcopalian clergyman employed by government ; and in the language and estimate of the times, as well as in the spirit and practice of the churches, popery and prelacy were mother and daughter in Scotland. He now returned to the middle of the scaffold, and took a tender and affectionate leave of his friends. To lord Maitland, his son-in-law, he gave some tokens of remembrance for his daughter and her children, then he stript himself of part of his apparel, of which he also made presents : and in kneeling to submit his neck to the block, he embraced the instrument of death, saying with an allusion to its name, it was the sweetest maiden he had ever kissed.*

* His body, after the separation of his head therefrom, started upright, by the agitation of the animal and vital spirits, till held down by his friends, and the blood from the jugular veins sprung most briskly. It was observed “ that about the very time of his execution, his grand-child, eldest son of lord Lorne, afterwards duke of Argyle, threw himself over a window in Lethington House,

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Remarks.

His death
lamented
by all par-
ties.

XLVII. Thus perished, for a fictitious crime, a nobleman who had shown the most disinterested loyalty when the royal family were wanderers, and their cause hopeless: but his attachment to religion and liberty had early drawn down the hatred of James, whose persecution and injustice ruined his fortune and drove him to despair. Perhaps, as Argyle had denied the right of the king to the allegiance of the people, and, if brought to trial for his invasion, would most probably have justified it upon religious grounds, the government may not have wished to agitate the delicate question of the divine right of a popish king to be the head of a protestant church and nation, and therefore preferred the execution of a sentence notoriously unjust, to the formality of a new process.* The fate of Argyle, however, was by this means rendered detrimental to the throne it was intended to establish, as his death was universally esteemed murder; nor was commiseration for the ruin of so great a family confined to one party; the episcopalians themselves deemed it harsh, even the most rigid of the Cameronians who could not join with

three stories high, and was not the worse." Fountainhall's Chron. Notes, p. 55. The child who had this remarkable escape was afterwards the famous John duke of Argyle and Greenwich.

* Mr. Laing has the following note on the execution of Argyle:—"Lord Hailes ascribes this, on the authority of a family tradition, to sir George Mackenzie. (Catalogue of Lords of Session, p. 26.) No doubt sir George, at the revolution, would assume that merit with Argyle's son, when they sat together in the convention parliament. But he was the man who procured, when king's advocate, the illegal sentence on which he moved for Argyle's execution." Vol. v. p. 172, note. For my own part I would care very little about what sir George Mackenzie said, he was in my opinion, one of the most profligate public characters of his time, perhaps the worst. He was in private life, I believe, an estimable man, one who fulfilled the regular duties of domestic society in an amiable manner, and I therefore deem him doubly culpable, as he was thus the more fitted to do an incalculable mischief to society, because his regular habits and his show of religion—for he had a show of religion;—threw a protecting shade over his vile compeers; and induced persons at a distance—some of the English for instance—to think more favourably of a government, which, had it been wholly conducted by an abandoned regardless crew, would have stood forward in its native and indefensible baseness and blackguardism. Men of unimpeachable lives are not aware of the evils they inflict upon a country, when, from plausible but delusive motives, they lend themselves to a dissolute and unprincipled party; their names are made use of to sanction crime, and they give high authority to acts, seemingly legal, yet veritable conspiracies, into which perhaps they vainly thought to have infused a redeeming quality.

him when living, united in lamenting him when dead; and by the more moderate of the presbyterians, his compliances were forgotten in his sufferings, and the fortitude, love of country, and piety that he evinced in adversity, have procured for his memory the veneration and regard paid to the sacred remembrance of a martyr and a patriot.

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XLVIII. Four were taken in arms with Argyle; and the suppression of his attempt is remarkable in a period of such wanton cruelty, for the comparatively small number of those who were sent to the scaffold on account of it. Rumbold, who was so much weakened by his wounds, that he was hardly expected to survive, was instantly ordered for trial; and to prevent his escaping the hands of the public executioner, the council, with indecent hurry, prescribed his sentence, and the time and manner of his execution the day before. He was implicated in the Rye-house plot; and as it was the practice of the lord advocate to insert in the indictments of fanatics whatever tended to exasperate the minds of the jury against them, whether the charges were intended to be proved or not, Rumbold was accused of a design to murder the late king and his present majesty; but as he solemnly denied the fact, the accuser, "lest it should have disparaged or impaired any thing of the credit of the said English plot," restricted the libel to his participating in the rebellion of Argyle, a transaction which he gloried in and avowed. He was found guilty upon his own confession, and ordered to be demeaned as a traitor that same afternoon. In pursuance of the order of council, he was immediately taken from the bar to the high council-house, and thence drawn to the foot of the gallows on a hurdle, being unable to walk. On the scaffold two officers supported him, while he addressed the spectators, which he did extempore:—

Trial of
Rumbold.

"Gentlemen and brethren," he began, "it is appointed for all men once to die, and after death the judgment, and since death is a debt all of us must pay, it is a matter of small moment and consequence what way it be done; but seeing the Lord is pleased to take me to himself in this manner, as it is somewhat terrible to flesh and blood, yet, glory to him, it is not terrible to me in any wise." He was then

His speech
on the scaffold.

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proceeding to explain his principles, when the drums beat, at which he shook his head and said—"Will they not suffer a dying man to speak his last words to the people?" Yet he went on declaring his confidence in the justice of the cause he was engaged in, and his firm belief of its final triumph; but when he prayed for the extirpation of popery, prelacy, and every other superstition, the drums again rolled and drowned his expressions.

His execu-
tion.

XLIX. His sentence was executed with the same particularity of horrid circumstance as that of Hackston of Rathillet, only his hands were not cut off. His head, after having been exhibited on a high iron spike, at the West Port, was sent to London, as the place where his features would be more easily recognised. The accounts of his political principles are dissimilar, but a quaint saying of his which has been preserved, "that none comes into the world with a saddle on his back, neither any booted and spurred to ride him," savours somewhat of republicanism.*

Fate of
Ayloffe.

L. Ayloffe was sent to London, and examined by the king in person. He refused to save his life by endangering that of another, and made no discovery. The severe repartee which he is reported to have given James, on this occasion, is well known. "Mr. Ayloffe," said the tyrant, "you know it is in my power to pardon you, say, therefore, that which may deserve it." "Though it be in your power, it is not in your nature," was the cutting retort; and although Ayloffe was nearly connected with the royal family, the king allowed the hands of the executioner to justify the sarcasm.†

The troops
under
Cochrane

LI. Those who crossed the Clyde with sir John Cochrane and sir Patrick Murray, mustered at Erskine House, whose owner had prepared a refreshment for the king's troops, of which they very opportunely reaped the advantage. Having heard nothing of Monmouth's expedition,

* Rutherford has expressions somewhat similar: "Sure I am, no man bringeth out of the womb with him a sceptre, and a crown on his head." Yet Rutherford was a true and staunch defender of limited monarchy. *Lex Rex* Quest. X. in answer to Symon's *Semel Augustus semper Augustus*.

† Burnet, vol. iii. p. 24.—Ralph, vol. i. 872.—Fountainhall's Dec. vol. i. p. 365. Notes, 1685.

some of them indulged the hope that he might have been more successful, and proposed to secure as many horses as they could, and make an effort to join him; but they were watched by the militia, and obliged to stand on their defence. At this point they offered them battle, which the others declined, till reinforced by the trained troops under lord Ross and captain Clelland, when they attacked them in ascending a hill, but were repulsed. Lord Ross, sir John's nephew, sent them an offer to treat, which was scornfully rejected; and the party got into an old "stane fauld" at Muirdyke, behind which they were drawn up by sir John, in two divisions, with directions to charge and make ready, but not to fire till he gave the signal. Taking post himself in the centre, he allowed the enemy, who approached his right division, to fire and approach close to his men, when he waved his handkerchief, and they returned the fire; their opponents, who thought the whole had expended their shot, attempted to force the dyke, but were steadily received by the same division, with their halberts, while sir John gave the signal to those on the left, who then fired furiously, and with considerable execution: among others, captain Clelland fell, and the party retreated. They returned again to the assault, but were again forced back with loss, and did not repeat the charge.* When they had ceased firing, sir John addressed his small company: "It becomes us to bless God for our wonderful preservation," and desiring them to be in a watchful posture, sang the 46th Psalm, and "prayed pertinently."

Repulse the
king's
forces.

LII. By this time the enemy had guarded them round as in a ring, and it beginning to grow dark, sir John said, "What think you of these cowardly rogues! they dare not fight us for as small a number as we are, but have a mind to guard us in till to-morrow, that the body of the king's forces come and cut us off; therefore, let us still behave ourselves like men, charge our pieces well, and go off the field in a close body, with as little noise as we can; if we

* It is necessary to notice that the fire-arms then in use were matchlocks, which it required a considerable time to load, and they could not be fired with the rapidity that muskets now-a-days are capable of.

BOOK
XVIII.1685.
Elude their
enemies.

escape them in the dark it is well, if not let us fight our way through them." As soon as it was dark they began to move, but the enemy did not wait their arrival, for, the moment they could get off undiscovered, they fled from the place as if an host had pursued them. Sir John, who was not apprized of their departure, after his little band had marched about a mile without any interruption, said, "I think we are safely by [past] them now;" but several having left him during the preceding day, he took an oath of the whole that none should desert without leave; and, as he knew the ground, undertook to lead them to a place of safety. Under his direction they marched exceedingly hard all that night, so that they might be a good way off from the enemy; but when day began to appear, and they could discern where they were, they perceived that they had marched in a circle, and were come back to within two miles of the place whence they had started. "Woe is me!" cried their leader, when he saw where they were, "I have led you into a snare; I know not now what to do for it, for, if we keep the field the whole body of the forces will be down upon us, so come of us what will, we must lodge in some house." But the mistake was fortunate, for they obtained lodging in the farm house and offices of one of sir John's father's tenants, and their pursuers missing them off the ground, never thought of searching for them so near the spot.*

Disperse.

Sir John
Cochrane
taken—
pardoned.

LIII. Next day they marched to another covert, where, receiving intelligence of the capture of Argyle, they dispersed.† Sir John Cochrane took refuge in the house of his uncle Gavin, but being discovered by his wife, in revenge for the death of her brother, captain Clelland, he was brought to Edinburgh, with every circumstance of ignominy; and, after being adduced as a witness on the trials of Gilbert Elliot, Mr. Spence, and Stuart younger of Coltness, who were forfeited, was sent to London, examined in pri-

* Sir Patrick Hume's Narratives.—Wodrow, vol. ii. p. 540 *et seq.*—Memoirs of George Brysson, p. 324, *et seq.*—Fox's Hist.

† Wodrow, vol. ii. p. 553.—Fountainhall's Dec. vol. i. p. 366.

vate by the king, and at length pardoned, in consideration of a high ransom paid by his father.* Sir Patrick Hume, after having concealed himself for some time in the house, and, under the protection of lady Eleanor Dunbar, sister to the earl of Eglinton, escaped to Holland, whence he returned in better times, and was created first lord Hume of Polwarth, and afterwards earl of Marchmont. Mr. Thomas Archer, a young minister of considerable learning, and highly esteemed, who was wounded at Muirdyke, was carried to Edinburgh, where, although the greatest interest was made to procure a remission, he was ordered to be hung: an act of unnecessary severity, as his wounds had been pronounced mortal by his physicians, and he himself did not think it advisable to attempt an escape, although the means had been prepared.†

BOOK
XVIII.

1685.

Sir P.
Hume es-
capes to
Holland.Mr. T. Ar-
cher exe-
cuted.

LIV. Private animosity, however, threatened to be still more fatal to Argyle and his adherents, than public prosecution, Athol and Breadalbane had exercised great severities upon his tenantry, they ravaged his estates, put to death numbers of the name of Campbell, and the former would have hanged his second son Charles, then ill of a fever, at the gates of Inverary castle, except for the timely application of several ladies to the privy council; but their lands were confiscated and appropriated, till the revolution restored to their rightful owners the extensive estates, which, in these rapacious and villanous times, constituted perhaps the deepest, as they did the most unpardonable species of treason.

Athol
ravages
Argyle.

LV. Agreeably to his promise, Monmouth landed in England, about the same time that the unfortunate Argyle did in Cantyre. His success at first was more splendid, but his miscarriage was still more disastrous and complete. The

* Fountainhall's Dec. vol. i. p. 366.—Burnet, vol. iii. p. 24. The bishop says "the priests got L.5000."

† At this date, "the council, in a letter to the secretary of state, signify, that by a mistake, Allan Greg had been recommended for a remission as to life and fortune, whereas they never recommended any for a remission, but as to life."—Wodrow, vol. ii. p. 556. It deserves, however, to be noticed, that while the criminals guilty of attending conventicles, or harbouring any of the mountain men, who were sent into banishment, had, the men their ears cropt, and the women their cheeks branded, those who had been taken with Argyle were not so marked.—Wodrow, vol. ii. p. 482.

BOOK
XVIII.

1685.
Failure of
Mon-
mouth's ex-
pedition.

The king's
triumph.

His precipi-
tate mea-
sures.

His address
to the Eng-
lish parlia-
ment.

causes assigned for his failure are diametrically opposite to the reasons alleged for the discomfiture of the other—his over-facility of disposition, and ready compliance with the leaders in his expedition. These led him prematurely to assume the title of king, and disgusted the nobility, whose suffrages he ought to have solicited; which, joined with his confidence in men totally unacquainted with military affairs, and whose cowardice he had witnessed, soon brought his affairs to a disastrous issue, and himself to the scaffold. The triumph of James on his double victory was displayed in the insulting medals that he struck;* while the barbarous executions of Kirke, and the more infamous legal murders of Jeffries, in his horrible circuits, which the unfeeling monarch termed campaigns, spread a quietude and dismay at once consolatory and gratifying to the tyrant.†

LVI. Far, however, from establishing his power, they materially contributed to his ruin; for, considering himself now freed from all necessity of either caution or concealment, he pushed forward his measures with a precipitancy which united against him men of all ranks and of every persuasion, who were not prepared at once to surrender their freedom and sacrifice their religion. Scotland had almost anticipated his wishes:—there he had a standing army and an exemplary parliament; and the strong current of prosperity which now set in, he proposed to employ in overwhelming every barrier that protected England from a state of similar prostration. In his address to their parliament, which he assembled in November, he informed them of his determination

* Two medals were struck on this occasion, one the bust of James himself, crowned with laurel, and placed upon an altar, on which lie four sceptres topped with the rose, lily, thistle, and harp; in the back ground, the sea, with a Neptune, and two vessels under sail, motto, *Aras et sceptru tuemur*, and the usual inscription, *Jacobus D. G. Mag. Brit. &c.* reverse, justice with a sword and balance, in which a mural crown outweighs a sword, a protestant flail, and serpents; beneath her feet two headless trunks, and on each side a head on a block, that on the right inscribed *Jacobus de Monmouth*, on the left *Arch D. Argile*, motto *Ambitio malesuada ruit*. The other a bust of Monmouth, without any inscription, reverse, a young man precipitating into the midst of the sea from a rock, on the top of which are three crowns surrounded with brambles, motto *Superi risere*.

† Dalrymple's Memoirs, vol. iii. p. 59 and App.—Rapin.

to support a standing army, to dispense with the test, and to employ officers of the Roman catholic persuasion.

BOOK
XVIII.

1685.

LVII. Startled at such undisguised despotism, the parliament hesitated, yet the commons house granted a supply which might have enabled him to carry the most dangerous of his propositions into execution; and it is by no means improbable but that with a very little address he would have completely attained his end, had not his impetuous spirit—irritated at some uncomplying symptoms in the house of peers—urged him on to a rash and impolitic prorogation. The dispersed members carried distrust and dissension through the nation; and the same men who, as a collective body, might have been the abject tools of an imperious ministry, dismissed in anger, diffused, each individually, among his constituents the terrors he would not have dared to avow in parliament; and expressed in the counties the sentiments of freedom he had joined to punish in the senate.

He rashly
prorogues
it.

Dissension
excited.

LVIII. His majesty's dispensing power, the exercise of which was in direct opposition to law, and solely intended to introduce the Roman catholic religion, was first tried in Scotland, where the royal nomination of the magistrates to the burghs had not so much as excited a murmur. In the act of supply of the last parliament, there was a clause ordaining all the commissioners to take the oaths and tests appointed by law; to these numbers of protestants, as well as papists, objected. For the consciences of the former James had no sympathy; the scruples of the latter were relieved by a royal mandate, [7th November,] requiring "the law to be put vigorously in execution, excepting those in the list here inclosed, whom we have dispensed with from taking the same, and such as we shall hereafter dispense with under our royal hand." Although, however, James obtained obedience to his order from the privy council of Scotland, a spirit of resistance was brooding of which he had little suspicion; and the scenes taking place in France gave renovated strength to all the jealousy and dread with which the nation had ever viewed the ascendancy of popery.

Papists ex-
empted
from the
oaths.

LIX. It is a coincidence too remarkable in the history of Scottish freedom to pass unnoticed, that in three several gene-

BOOK
XVIII.

1685.

Remarkable
coincidences.

rations, when arbitrary sway would have been established through the medium of Roman catholics or their friends, being intrusted with places of power; and when the plea for admitting them to such stations,—a change in the political nature and persecuting spirit of their religion,—backed by all the influence of the court, was acknowledged at least by the tories;* some tremendous explosion, the plain result of the principles of which they were accused, exhibited the deceit of all their fair pretensions; and drove from the government of the country, the men who favoured the tenets, or were themselves the adherents, of that slavish superstition. The anniversary of St. Bartholomew was fatal to the schemes of Mary; the Irish massacre confounded the measures of her grandson; and the revocation of the edict of Nantz had no small share in producing the glorious revolution which drove for ever the papistical branch of the Stuarts from the throne.†

Edict of
Nantz.

lx. This famous edict, which had been declared irrevocable, was granted by Henry IV. and secured—as far as it was possible for any instrument of the kind to secure—freedom of religious worship to the protestants. At no period had it been rigidly adhered to, nor was it, except when the protestants were men of influence, and either possessed pow-

* We have since lived to see it admitted by men calling themselves Whigs. [1826.]

† James, at the very moment when he was proclaiming indulgence in Scotland, and boasting of sentiments of toleration, was congratulating his crowned brother Louis on his more effectual method of conversion. Barillon writes thus to his court, 4th October, 1685: "His Britannic majesty also heard with pleasure, what I told him of the wonderful progress with which God had blessed your majesty's curés with regard to the conversion of your subjects; there being no example of a similar thing happening at any time or in any country with so much promptitude. His Britannic majesty believes that so important a work will not remain imperfect, and that God will grant you the favour to finish it entirely." And on the 18th August, 1686, "M. Adda, the pope's nuncio, has communicated to the king of England what the pope said in the consistory upon the subject of your majesty, and what you have done to extirpate heresy in France. His Britannic majesty spoke of it as of a thing that gave him great pleasure." Who would imagine that the revocation of the edict of Nantz was the subject of these congratulations? or knowing it, would say that *sincerity* was reckoned a virtue by the only British monarch of the Stuart race to whom it has been supposed to belong?—Dalrymple Mem. Appen. to Book iii. and iv.

er themselves, or were connected with those who did, that they ever enjoyed their privileges undisturbed. Yet, notwithstanding, they had increased in numbers; and as they were generally diligent and industrious—besides the nobles and men of rank, who acknowledged the rationality of their profession—they constituted a great proportion of that important part of the community known in our own land as the middle class, when their prosperity called into activity the slumbering but irreconcilable hatred of their enemies, which policy had restrained for nearly a century.

BOOK
XVIII.

1685.

LXI. For some time the attacks were gradual and insidious, till at last a course of successful encroachment was closed by the entire proscription of the protestant religion. Every species of guile or of power was employed to allure and to constrain the heretics to embrace the true faith, and the popish curés marched, as did the episcopalian curates in Scotland, at the head of squadrons of military apostles to enforce uniformity. But the numerous armies and flourishing finances of France, in a state of profound peace, afforded means for a wider and more effectual persecution. All the churches of the protestants were razed, and their ministers banished; and no one was allowed to buy or sell who had not a certificate of his catholicism, attested and sealed by a bishop, or, as the refugees appropriately expressed it, who did not bear “the mark of the beast.”* Justice was denied in the courts of law to the pretended reformed, and those who would not abjure their religion had their estates confiscated, their children taken from them to be educated in the Romish faith, and themselves condemned to perpetual imprisonment. Cruelties of the most refined and excruciating nature were resorted to, to extort an abjuration; and if a wretch who, in the delirium of agony, had muttered an incoherent consent, ever relapsed on regaining strength and composure, he was sent to the galleys, the gibbet, or the flames.

Persecu-
tion of the
protestants
in France.

* Jurieu, L'Abadie, &c. The French writers are almost the only ones who contrive to render controversy entertaining; and I know not any in our own language who convey so much instruction obliquely, unless it be “THE PROTESTANT;”—whose able refutation of the dogmas of popery is but secondary praise; his clear illustrations of the peculiar doctrines of Christianity is his first.

BOOK
XVIII.

1685.

They leave
the king-
dom.

LXII. In order to prevent the flight of his subjects, whom Louis was determined to “compel to come in” to the bosom of the church, a cordon of troops was drawn around the kingdom, and all the prisons were strictly guarded; but, notwithstanding, above half a million of the most useful subjects of France contrived to effect their escape, and exported, together with immense sums of money, those arts and manufactures which had greatly tended to enrich that kingdom, while they made Europe resound with tales of horror and of blood, for which we hardly find a parallel even among the years of anarchy and terror that signalized their philosophical revolution.

Are pro-
tected in
Savoy and
Piedmont;in England
and Scot-
land,

LXIII. By one of those wonderful arrangements of providence, for which men foolishly endeavour to account upon the common principles of national policy, the persecuted Huguenots not only found shelter and hospitality in the United Provinces, where it was to be expected, but even the sovereigns of Savoy and Piedmont, who perpetrated similar crimes upon their own protestant subjects, received and protected the protestants of France; and in England and Scotland James was constrained to show that mercy and compassion to the unfortunate refugees, which he sternly denied to the scattered Cameronians.*

Effects of
this perse-
cution in
Britain.

LXIV. An universal sensation of hatred and horror was communicated to the British people against a system which authorized such methods of conversion; and when a prince of so much reported humanity, prudence, and love of glory as Louis, could be engaged, by the bigotry of his religion alone, without any provocation, to embrace such sanguinary, impolitic, and detestable measures, what might not be dreaded, —they asked—from James, who was so much inferior in these virtues, and who had already been irritated by repeated op-

* At privy council, June 20, 1685, Monsieur Francis Lousmeau du Pont, late minister at Sauzé, in the province of Poictou in France, a Huguenot minister, forced to fly his native country for persecution, gives in a bill on the 7th act of parliament, 1669, craving liberty to preach to the French Protestants here, or any others whose heart God shall stir up to bestow charity on him, either in the Lady Yester's church or elsewhere. The privy council remitted him to the bishops to examine him if he was qualified and orthodox.—Fountainhall's Decisions, vol. i. p. 364. Le Siècle de Louis XIV. ch. 36. Quick's Synodicon, Introd. Hume's Hist. b. vii.

position? Even the episcopalians in Scotland, who had, without remorse, for upwards of twenty years pursued precisely the very same measures to obtain ends not less wicked and oppressive, began to perceive that however agreeable to force a presbyterian conscience, it might by no means be equally pleasant to have the same method of persuasion employed towards themselves; and those who were not inclined to embrace the king's religion, appeared to suspect that they had already carried their submission to their sovereign sufficiently far.

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XVIII.

1685.

LXV. Already the power of setting aside an express act of the legislature by his royal letter alone, had become the subject of discussion, when the king, disappointed in his expectations from the English parliament, determined to obtain from the Scottish those concessions which the former had refused, and to which he never dreamed there could be any opposition.

James resolves to call a parliament.

LXVI. Dissensions had for some time existed among the members of the Scottish government. Rapacious and unprincipled, they agreed only in oppressing and plundering the people, whose spoil excited their avarice and inflamed their discord: nor, habituated to servility, had they even that last semblance of virtue which sometimes lingers with rogues after the reality is fled,—honour among themselves. Perth and Melfort, towards the latter end of the year 1685, had begun to form a party against Queensberry and Tarbet, whose lucrative employments had attracted their regards; and they were strongly suspected of tampering with the prisoners of state to procure matter of accusation against their opponents, who in their turn endeavoured by similar acts to countermine the chancellor and his friends. Which of the parties might have succeeded, had they confined their operations to the common juggling and deceit of court policy, it were needless to conjecture; Perth effectually secured his ascendancy, by embracing the king's religion, ascribing his conversion to some papers found in the cabinet of the late, but generally supposed to be the productions of the reigning sovereign.

Dissensions in the government.

Perth turns Papist.

LXVII. A majority of the obsequious council attached themselves to the favourite, and Queensberry lamented, when

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XVIII.

1685.
Queens-
berry dis-
missed.

Popish
methods of
conversion.

Earl of
Moray ap-
pointed
commis-
sioner.

too late, that he had ruined the liberty, the honour, and the presbyterian profession of his country to little purpose, as he could not consent also to sacrifice the very form of the protestant religion upon the royal altar. The office of high treasurer was taken from him and put in commission, and the proselytes were gratified with an ample share of his majesty's bounty, upwards of twelve thousand pounds sterling being assigned among them as annuities.* The whole current of patronage now flowed in this channel, and they, with all the zeal of new converts, endeavoured to promote the conversion of their unenlightened, or confirm the faith of their initiated brethren, by the same means which had so effectually illuminated their own understandings. The duke of Gordon, an old papist, was appointed captain of Edinburgh castle, and the earl of Moray, a new one, was nominated commissioner for the next parliament, with power to dissolve the estates of the rebels, which had been declared irrevocably annexed to the crown in the last. As the time for the meeting of the estates now drew near, the efforts to influence those who were doubtful or wavering were redoubled. The duke of Hamilton, sir George Lockhart, now president of the court of session, and general Drummond, after created by James, lord Strathallan, were invited to court at the chancellor's request, and flatteringly received. The archbishop of St. Andrews, and the bishop of Edinburgh, returned from a similar visit, the first a member of the secret committee, and the other a privy councillor, with a douceur of L.200 sterling per annum added to his stipend. An inquiry was at the same time made into the shipping of the different sea-ports by the Scottish secretary, who informed the royal burghs that his majesty intended to bestow upon them, in virtue of his royal prerogative, a free trade with England, which the parliament there was not disposed to grant.

1686.

LXVIII. To prevent any popular commotion, the clergy were forbid to preach upon controversial subjects, or reflect

* Fountainhall's Notes, 1685. Decis. vol. i. p. 368. The countess of Perth, lady Errol, Traquair, and doctor Sibbald, well known as a Scottish writer, had allowances: but the doctor did not long merit the favour; he publicly renounced popery, after professing to have strictly investigated the subject. The earl of Lothian had previously got L.300 per annum.

in their discourses on the king's religion, under pain of being considered the enemies of royalty; and every book opposed to popery was forbidden to be sold: *—but furniture for the antichristian ceremonies was avowedly brought from London by the officers of state, and mass was celebrated openly in the popish meetings. Such ostentatious protection of an abhorred superstition aroused the unruly passions of the mob, and an assemblage of apprentices and others of the lower orders upon Sabbath, January 31st, 1686, having awaited the dismissal of the chapel, saluted the chancellor's lady and her company with opprobrious language, and dirty, but otherwise inoffensive missiles. Some of the boys who were the chief actors on the occasion, being apprehended, the privy council met, and ordered "a baxter lad" to be whipped through the Canongate. Next day, when the sentence was attempted to be put in execution, the youths again rose and rescued their companion from the hands of the hangman. Continuing to riot, the military were called in, and the soldiers, who were drunk, fired ball among the crowd, by which a woman and two "lads" were killed. The streets being thus cleared, the inhabitants were all ordered to keep within doors, and to hang out bouets [a kind of lantern] to prevent any recurrence of discord during the night. † The day after, a woman and two young men were scourged through the Canongate, under an escort of musketeers and pikemen.

BOOK
XVIII.

1686.

Restraints
laid upon
ministers.Mass open-
ly celebrat-
ed.The chan-
cellor's la-
dy insulted.

A riot.

LXIX. From the extent of the crime, the punishment, for every purpose of example, was undoubtedly sufficient; but the two parties, who wished each to involve the other in the consequences, exaggerated the proceedings of a rabble into a serious treasonable insurrection; and in answer to their representations, a letter came from the king to the privy council, "requiring them" to go about the punish-

Construed
into rebel-
lion.

* When this order was intimated to James Glen, bookseller, he told the macers of the privy council, that he had *one book* that condemned popery in direct terms, and begged to know if he might sell it. He was asked the name, and answered—THE BIBLE; what reply was made stands not on the record. Fount. Dec. vol. i. p. 398.

† Bouets were formed of paper or bladder; and this seems to have been the first street illuminations borrowed by us from the French.

BOOK
XVIII.

1686.

Orders
from the
king re-
garding it.A drum-
mer and
fencing-
master ex-
ecuted.

ment of the guilty "with the utmost rigour of our law : " "nor can we," continued his majesty, "imagine that any has been, or will be remiss in this, except those who have been favourers of that rebellious design. But above all, it is our express pleasure that you try into the bottom of this matter, to find out those that have, either by money, insinuation, or otherwise, set on this rabble, to that villanous attempt, or encouraged them in it; and therefore, that for the finding of this out, you spare no legal trial, by torture or otherwise; this being of so great importance, that nothing more displeasing to us, or more dangerous to our government, could possibly have been contrived, and we shall spare no expenses to know the rise of it." In obedience to this mandate, several persons were tried capitally, and condemned for being accessory to this tumult; nor were unintentional expressions, if they militated against the royal religion, treated with more gentleness. A drummer, who was accused of saying he could find it in his heart to run his sword through the papists, was shot upon Leith sands, notwithstanding he denied having spoken the words; and Keith, a fencing-master, who had been led into unguarded language, when in company with some of those execrable agents of an execrable government, hired spies, approving of the conduct of the populace, and drinking confusion to the papists, although, at the same time, he drunk the king's health, was executed at the Cross.* These two last were offered remission: the drummer, if he would have changed his religion, and Keith, if he would have accused Queensberry; but both refused life upon such infamous terms; and the miscreants in power had not the generosity to pardon a high and honourable conduct they possessed not the virtue to imitate.

LXX. Every preliminary method to sooth or terrify to a compliance being thus taken, a convention of the royal

* Lord Fountainhall makes the case even worse. "Much application was made to save this poor man's life, for the witnesses were *socii criminis*, and guiltier than he, having spoken the words themselves, and he only assented. So men may easily be ensnared by such coy ducks. Yet the chancellor was inexorable; he behoved to die to terrify others; so he was hanged on the 5th of March, at the Cross."—Fount. Dec. vol. i. p. 407.

burghs, and the diocesan synod of Edinburgh, met on the 13th April, and all eyes were turned to their proceedings, as indicative of the tone which might be expected to pervade parliament. On the convention-door an anonymous warning was posted, to beware of the two leading provosts, Kennedy of Edinburgh and Milne of Linlithgow, who were to set the example of perjury by breaking the test:—nor was it lost. All who had not taken were ordered to take the test, and the burghs were thus pledged to oppose popery. The synod was more complaisant to the church, which, with episcopalian partiality, they styled their mother. Professor Strachan strongly pressed a charitable accommodation with the papists; and the bishop of Edinburgh enforced his recommendation by stating, that the king had only craved the private exercise of their religion to those of his own persuasion, which it would be their interest to grant, as by his prerogative of supremacy he could bestow it without their concurrence; and informed the venerable conclave, that the archbishop of St. Andrews and himself had received ample commission to suspend or deprive such as might be guilty of preaching sedition, or of oppugning the faith of the throne.

BOOK
XVIII.

1686.

Conven-
tion of
Burghs.Diocesan
Synodadvises an
accommo-
dation with
the papists.

LXXI. Parliament—the last that James ever called—assembled on the 29th April, 1686; and the courtiers hailed it as a favourable omen that the earl of Moray, now converted to the faith, was to open it, as providence seemed thus to ordain, as a mark of retributive justice, that a descendant of the regent who had caused the enactment, should be employed to procure the repeal of the penal statutes against the papists. He brought a very flattering letter from the king. In it his majesty thanked the parliament for their exemplary loyalty in last session, which he told them “had created an ardent desire in his royal bosom to make such returns as might every way make them find the advantage of their faithfulness and duty.” He had consulted the interest of their commerce in general, and the opening of a free trade with England in particular, had been his special care. Anxious to free his subjects from trouble, and show his bitterest enemies that severity was not natural to him, he had sent down a full and ample indemnity for all concerned in the late horrid rebellion; “and whilst,” continued he, “we

Parliament.

The king's
letter

BOOK
XVIII.

1686.

Recom-
mends e-
mancipa-
tion.

show these acts of mercy to the enemies of our person, crown, and royal dignity, we cannot be unmindful of others, our innocent subjects, those of the Roman catholic religion, who have, with the hazard of their lives and fortunes, been always assistant to the crown in the worst of rebellions and usurpations, though they lay under discouragements hardly to be named :—them we do heartily recommend to your care, to the end, that as they have given good experience of their true loyalty and peaceable behaviour, so by your assistance they may have the protection of our laws, and that security under our government, which others of our subjects have, not suffering them to lie under obligations their religion cannot admit of. This love we expect you will show to your brethren, as you see we are an indulgent father to you all.”

Moray's
address.

LXXII. The commissioner enforced the topics of the king's letter ;—“ a free trade with England, relief from duty on wines exported from France to Scotland, and a restoration to all their rights, as the most favoured nation in the kingdom ; an advantageous reformation with regard to their staple in the Netherlands ; regulations in favour of the royal burghs at the expense of burghs of barony ; a prohibition of the importation of Irish cattle and horses, and an open mint—were held out in flattering prospect :—no additional taxes were to be imposed, and the existing cess was to be rendered easier by an equalization in the mode of levying it :—no free quarters were to be allowed the soldiers in future ; the commons were to be eased from the oppressions of the commissars ; and what would above all surprise them was, an ample and full indemnity, with some few necessary and reasonable exceptions, to convince the world that his majesty delights by sweet and gentle methods of mercy and lenity, to reduce all to duty and obedience ; and that nothing but their own perverseness and incurable obstinacy in evil, can force from him that just severity which sometimes becomes necessary for the safety of his people and government, though contrary to his princely and merciful temper :”—for all which amazing acts of fatherly goodness, his majesty only asked of his great council to give ease and security to some of his Roman catholic subjects, “ so that,” said the earl in conclu-

sion, "his majesty, who so perfectly understands the loyal and dutiful temper and genius of Scotland, rests fully persuaded of your ready and cheerful compliance with his royal desire and inclinations, tending so much to your own security and his satisfaction; and that you will send me back to him, my great and royal master, with the good tidings of the continued and dutiful loyalty of this his ancient kingdom, by which you will show yourselves the best and most affectionate subjects to the best, the most incomparable, and most heroic prince in the world."*

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LXXIII. Unlike the former session, which received with rapture the royal message, and echoed it immediately by acclamation, the answer to be returned gave rise to considerable debate; but as freedom of discussion within the walls of the parliament house might have been dangerous, the arguments were circulated in written and printed pamphlets. The answer itself was cautiously worded; the complimentary portion was in the usual style of such papers, which mean anything or nothing as circumstances occur:—the business paragraph runs thus: "As to that part of your majesty's letter relating to your subjects of the Roman catholic religion, we shall, in obedience to your majesty's commands, and with tenderness to their persons, take the same into our serious and dutiful consideration, and go as great lengths therein as our conscience will allow, not doubting that your majesty will be careful to secure the protestant religion established by law." Yet this was not adopted without an observation, that it scarcely comported with the wisdom and gravity of parliament, to give to a religion known in our law only as the papistical kirk, heresy, error, superstition, and popish idolatry, the title of catholic, thus implying that they were the true church, and the Scottish but a sect; and the term Roman catholic was admitted at the request of the bishops as a compliment to the king.*

Answer to
the king's
letter.

LXXIV. When the court party perceived the temper of the parliament, they did not immediately push the grand object for which they were assembled, but proceeded to other acts intended to conciliate, or to afford time for tampering with

Proceed-
ings of the
court par-
ty.

* Fountainhall, vol. i. p. 415.

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the members; particularly as the unlooked - for opposition had chiefly arisen from the commissioners for counties and burghs:—a body hitherto of little account when unsupported by some of the leading nobles. With the immediate dependents on the crown they took a very summary method; lord Pitmedden, the only lord of session who refused to bow the knee, was laid aside. Three of the bishops who had not followed the course pointed out for them, were displaced, as were the refractory privy councillors and public officers; among whom was sir George Mackenzie, the king's advocate, who, with that innate sagacity for which he was renowned, early perceived the extreme folly of the court, and refused to sacrifice his religion, such as it was, to a declining cause.

LXXV. Finding it hopeless to attempt carrying a complete repeal of the penal statutes, many consultations were held to concert some plan which might meet the wishes of his majesty, without encountering the almost undivided abhorrence of the country. As introductory, it was proposed to bring in an act allowing a private toleration to popery, which would have paved the way for a full and open repeal at some future period. Duke Hamilton then proposed, as a necessary and natural extension, that it should be general, and include presbyterians; but Ross, archbishop of St. Andrews, who saw no danger in the royal religion, was terrified at the idea of allowing the spectre of presbyterianism again to walk the earth. Lockhart, president of the session, proposed a limited toleration, and that those who enjoyed it should be incapable of places of public trust; but as this would have rendered every other concession nugatory—spiritual privileges possessing few charms without temporal emolument—after several draughts of an act for this purpose were prepared, all were dropped, either as being unlikely to pass the parliament or please the king.

Dropped.

LXXVI. It is a highly instructive, and one of not the least important objects of history, to observe and to record the professions and sentiments of the same persons and parties when in place and when out of place; or to mark the language and creed of the same church and sects when they have obtained, and while they are seeking to obtain, the countenance and power of the secular arm. In the pre-

Various
plans for
an accom-
modation,

sent case we witness strange inconsistencies: the court, or Roman catholic party, who had so unrelentingly persecuted the presbyterians, now pleaded, "that for a christian magistrate to take away the life or the estate of a subject, who is not guilty of sedition or rebellion, nor of injuring the person, goods, or fame of his neighbour, but is quiet and peaceable, and contents himself in the private exercise of his own religion, merely for difference of opinion, and the private exercise thereof, without disturbing others; to do so is neither founded directly, nor by any clear consequence on the doctrine or practice of the Saviour, nor the apostles, nor of the primitive church, nor of the fathers in the first ages, who never urged or persuaded their kings or emperors, when the empire became christian, to take away the lives and fortunes of the open infidel, the heathen, or the idolater; although these idolatrous heathens, when they had power, did rob, murder, and devise all manner of cruelty against the christians! Nor would our Saviour destroy the *schismatical* Samaritans, but rebuked the fieriness and violence of his disciples, who were injuring and affronting the Saviour of the world, by their cruel and fierce motion, utterly repugnant to his blessed temper and the meek spirit of the gospel! "If persecution," said they "be utterly repugnant to the spirit of christianity, the existence of the penal statutes was a disgrace to the statute book, and a useless one, as it was well known they had never been carried into execution. And whatever reasons might have been alleged for enacting them at first, it was quite evident there existed none now; the papists being now quiet and peaceable, and we out of all reasonable fears of their plotting or contriving." It was also further argued, "that by refusing to consent to this moderate ease to papists, a most dangerous and almost incurable blow and wound might be occasioned to the protestant church and religion; for if the king chose, he might, without violating any law, at one stroke remove all protestant officers and judges from the government of the state, and all protestant ministers and bishops from the government of the church, and might, if provoked, fill all their places with papists; which, if he should, they must submit, and are tied down by their principles and religion not to resist, it being a chief and

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Arguments
of the court
party for
toleration
to the pa-
pists.

Their
threats.

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essential position in our holy religion to render active, or where that cannot be done, passive obedience to the chief magistrate."

Arguments
of the epis-
copalians
against it.

LXXVII. The episcopalians, or opposition, who had been furiously zealous in forcing the fanatics to abjure the covenants, replied by urging their tenderness of conscience, the sanctity of the obligations which they and their fathers had sworn for the preservation of the protestant religion, and the awful guilt they would incur by violating the oath of the test, procured by his majesty himself, in which they solemnly declared, that they sincerely profess the protestant religion, which none can do in earnest who are not for securing it against open and avowed enemies by the laws judged necessary by their predecessors themselves, but would consent to their repeal. The penal statutes, they added, were not vindictive, as their opponents themselves were obliged to confess, for they had never occasioned a Roman catholic the loss either of his life or his goods; but they were intended to preserve their own religion from the designs of its enemies, and never were more necessary than now, when it was exposed to open and insidious attacks beyond what ever had been known since the reformation; and when the cruelties exercised before their eyes in France showed the danger of admitting papists into places of power, it would be most perilous to remove these restrictions, which prevented their enjoying similar situations in Scotland. As to the king's prerogative, they had no intention of agitating that delicate question; for they never could believe his majesty would require them to do any thing that would tend to injure the protestant religion, which he had so frequently, voluntarily, and solemnly promised to protect.

Importa-
tion of
grain or
cattle from
Ireland
prohibited.

LXXVIII. Among the measures taken to sooth the country gentlemen into compliance with the court designs, an act prohibiting the importation of corn or cattle from Ireland, "whereby the sale of corns growing within the kingdom hath been stopped," was ratified; all the victual so imported ordered to be destroyed, and the barques in which it was brought given to the informer;—a carrying the principle of corn laws to its true and legitimate length. The friends of the administration were gratified also with gifts

of several of the forfeited estates which had been annexed to the crown. But the ample indemnity was not passed, nor were any of the promised enactments in favour of free trade again mentioned. It may perhaps be worth noticing, that a survey was ordered by this parliament to be taken of the coasts of Scotland, and a sum of one shilling Scots on every ton of native, and two shillings per ton of every foreign vessel, was granted for five years to John Adam, geographer, for defraying the charge of hydrographical maps for the use of seamen.

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Charts of
the coast
ordered to
be made.

LXXIX. Tired at length with the duration of the session, the oppositionists were anxious to see it at an end, and threatened to bring in a bill for confirming all the existing laws against popery, or impeach the bishop of Edinburgh; but the commissioner was now about equally desirous to close a scene which had only been productive of disappointment, and after, either out of spleen to the Queensberry faction, or regard for a new convert—having procured an act in favour of the family of Argyle*—he terminated their sittings, [June 15,] and set off for London. He was followed in a few days, by the chancellor, to exculpate himself from the failure of the toleration, which gave rise to mutual recriminations among the members of government; and the more so, as during their protracted session the proceedings of the Scottish parliament, from their unusual complexion, had attracted the attention of Europe, and were regularly published in London, and in the Haarlem gazette; and after its close, a number of their own friends perceiving the strong sensation that had been excited, blamed them for continuing so long to agitate a question which—they affected to say—a little more brisk management at first might have carried. To avoid the storm, both concurred in endeavouring to shift the obloquy on the bishops and their supporters; and a number of those who had acted as virulent persecutors, were, for their conduct in opposing the repeal,

Parliament
prorogued.

The bi-
shops blamed
for loss
of the tole-
ration act.

* The heir had been prevailed upon to profess himself a papist; and it was reckoned among the grand triumphs of the Roman catholic religion, that the young earls of Moray and Argyle should have been among the converts. Argyle, however, afterwards relapsed.—Vide the cotemporary pamphlets, *Mercurie Historique*, June 1687.

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thrown into prison upon ridiculous charges of intercommuning with and resetting rebels.

James
grants to-
leration, by
his prero-
gative,

and as-
signs Ho-
lyrood cha-
pel to the
Roman ca-
tholics.

LXXX. If dissatisfied, James showed no displeasure with his leading managers ; for he knew, whatever mistakes might have been committed, they were not the unpardonable offences of men who dared assert either their own independence or that of their nation. The privy council was filled up with the duke of Gordon, Traquair, and other Roman catholics, in place of those who were dismissed and, moulded to his mind. In his gracious condescension, a letter was sent August 21st,] informing them, “that it was not from any doubt he entertained of his power in putting a stop to the unreasonable severities of the acts of parliament against those of the Roman catholic religion that made him communicate his intention to the estates, but only to give his subjects a new opportunity of showing their duty to their king, their justice to the innocent, and their charity towards their neighbour. As, however, some scruples of well-meaning men about the test, prevented them from consenting to what they thought so reasonable, that they wished him to do it by his own authority, he therefore thought fit to let them know that he had resolved to protect his catholic subjects against all the insults of their enemies, and the severities of the laws made against them heretofore ; and he by his letter royal, allowed them the free private exercise of their religion in houses, and full protection from any pursuit, civil or criminal, for the exercise of the Roman catholic religion, using any of the rites or ceremonies of that church, or doing what by law is called trafficking.” And “that the catholic worship might be exercised with more decency and security, he established the chapel of Holyroodhouse, and appointed a number of chapters and others, whom he required them to maintain in their just rights and privileges under the royal protection. He likewise ordered them to take care that no preachers or others were suffered to insinuate to the people fears, or that any violent alteration was intended, as he was resolved to maintain the bishops, inferior clergy, and the protestant religion, and to hinder all fanatical encroachments upon them ; and for all this goodness and condescension he expected from his people all the returns

of duty and loyalty, as well as compliance and concurrence in these things—so just in us, and reasonable in all our good subjects, from whom we do also expect that mutual love and charity one to another that becomes compatriots, subjects, and christians.”

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LXXXI. Obsequious as the privy council were in acknowledging “the king to be an absolute sovereign, unaccountable to any but God, and in whose pleasure they acquiesced,” while granting all that was worth disputing about, they hesitated “anent” a mere trifle, the manner in which their obedience should be expressed. In framing their answer, the duke of Hamilton objected to the king’s prerogative being called a legal security for the indulgence, because a thing might be a security yet not legal. Do you mean, asked the chancellor, when the objection was stated, to question his majesty’s power to relax the laws? Hamilton evaded the insidious question, but remarked in retiring, “he was not doubting the king’s prerogative, only what needed the privy council declare it to be law.” Sir George Lockhart the president, who sat mute, afterwards whispered privily, he would quit his head ere he signed it so; but his courage was not tried, the word “sufficient” was substituted.*

Dispute in the council on the answer to the king’s letter.

LXXXII. At the same time the annual elections in all the royal burghs was forbidden, and the old magistrates ordered to continue in office till his majesty’s further pleasure should be known; an innovation now of little consequence, as for several years the provosts had been nominated by the crown, and the common council by the provosts. With this injunction the whole complied, only the magistrates of Edinburgh, by way of salvo, protested that they acted not in virtue of their former election, but in obedience to the king’s commands.

Burghs prohibited from choosing their magistrates.

LXXXIII. Early in February 1687, royal letters were received by the privy council, acknowledging the receipt of their dutiful answer, and inclosing a proclamation for the Indulgence in them; James, with admirable naivetè remarks of this document, “that while publishing his royal intentions of giving additional ease to tender consciences, in order to

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Indulgence proclaimed,

* Fountainhall’s Dec. vol. i. p. 426. Wodrow, vol. ii. p. 593, et seq.

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But conventicles to be rooted out.

Roman catholic disabilities removed.

Tests abolished—
new oath of allegiance.

Toleration to the protestants.

The king's conduct approved by the council.

convince the world of his inclination to moderation, he at the same time expressed his highest indignation against the field conventicles, which he recommended to the council to root out with all the severities of law, and with the most vigorous prosecution of the forces !” In the paper itself, his majesty, by his sovereign authority, prerogative royal, and absolute power, which all his subjects were to obey without reserve, allowed moderate presbyterians to meet in private houses to hear such ministers only as accepted of the Indulgence, and quakers in any place appointed for their worship ; but repealed all the penalties, removed all restrictions, and annulled all disabilities with regard to Roman catholics, who were only required not to preach in the fields—a crime of which they were seldom guilty ;—not to invade the protestant churches by force, nor to make public processions in the streets of royal burghs. He also dispensed with all laws enjoining any oath or test, substituting a new oath of allegiance acknowledging the king’s power in its most uncontrolled exercise, and the obedience of the subject active and passive in its most unqualified extent. But for the encouragement of the protestant bishops and regular clergy, he was graciously pleased to declare that “ it never was his principle, nor would he ever suffer violence to be offered to any man’s conscience, nor use force or invincible necessity against any man on the account of his persuasion or the protestant religion ;” and likewise promised on his royal word, to maintain the possessors of church lands formerly belonging to abbeys and other churches of the catholic religion in their full and free possession, and right—according to law, and the acts of parliament in all time coming.

LXXXIV. The king’s assumption of all that he had fruitlessly required the parliament to grant, was approved of by the privy council ; the proclamations were forthwith published with the usual pomp and ceremony, and a letter in the most abject strain of complaisance, informed him of their ready obedience, returned their most humble thanks for his promise to maintain the church and their religion as established by law, and expressed their satisfaction and belief that his royal word was the best and greatest security they could have. To this paper, which bears the signature of

their president, the duke of Hamilton and the earls of Panmure and Dundonald refused to attach their names, for which the duke was reprimanded, and the two earls dismissed the council. But the general sense of the nation was with the dissentients. An Indulgence, coupled with such an oath, was refused by the presbyterians, who dreaded in the declaration "that he would use no force nor invincible necessity," a lurking design to use both; and the episcopalians abhorred a freedom which opened to the Roman catholics the road to power; who while disclaiming the design, hinted, not obscurely, at the possibility of a resumption of the church lands. The proscribed "wanderers," resolutely consistent, treated it with unmitigated scorn, as equally detestable in its source and in its object.*

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Hamilton
&c. dis-
sent.All parties
dissatisfied.

LXXXV. An explanation, or rather a second Indulgence, was published in March, waving the oath; but the moderate presbyterians, for whom it was chiefly intended, cared little about so contracted a measure; nor would they consent to acknowledge the dispensing power for so pitiful a boon: some of them, however, consented to preach in private houses when asked; and this was construed by the court parasites into the acquiescence of the whole. At least, the king affected to consider it in this light, and assembling his English council, told them it was his intention to gratify the nonconformists there with similar liberty, as it was in his opinion most suitable to the principles of Christianity, that no man should be persecuted for conscience sake, for he thought conscience could not be forced! The council applauded his resolution, and on the 4th of April the king's declaration for liberty of conscience in England, was issued.†

A second
Indulgence
published.Extended
to Eng-
land.

LXXXVI. At first this was received with many demonstrations of gladness by the nonconformists, nor is it to be won-

* Wodrow, vol. ii. p. 617. Informatory Vindication, p. 22. Burnet's Hist. vol. iii. p. 138. Balcarras's Mem. p. 7.

† Upon this occasion an address was sent from the Company of Cooks in London to the king. "The declaration of indulgence," they said, "resembled the Almighty's manna, which suited every man's *palate*," and added, that "men's different *gustos* might as well be forced as their different apprehensions about religion;" and this was published in the Gazette, Nov. 4, 1687. Dalrymple's Mem. vol. ii. p. 88.

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Disinter-
ested con-
duct of the
noncon-
formists.English
episcopali-
ans attack
the church
of Rome.

dered at, that men who had suffered so terribly should be apt to seize upon a little respite offered them, without inquiring too eagerly into its origin,* especially when accompanied by the condescending flatteries of majesty, and assurances that the royal ear had been abused by the misrepresentations of their enemies ; an excuse which, however doubtful in the present instance, might generally be urged with truth by those who have the misfortune to be kings. A few of their addresses lauded the exercise of the prerogative by which they were rescued from the talons of the churchmen, and some of them breathed a recriminating spirit ; but the general good sense and good principle for which, as a body, they have ever been distinguished, soon overcame the mischievous but natural irritation of a few ; and when James and his priests wished to turn the artillery of the episcopalians against themselves, and appointed commissioners to inquire what money had been raised, or what goods had been seized by distress on dissenters, in prosecutions for recusancy, and not brought into the exchequer, the protestant dissenters of England almost to a man refused to retaliate by turning informers !

LXXXVII. English episcopalians found some vent for their ill humour in a violent polemical war which ensued. As their political creed furnished their opponents with silencing and sarcastic, if not triumphant answers to all that *they* could say on behalf of freedom, they assailed the dogmas of the church of Rome ; and while warning the people of the danger to which the protestant religion was exposed, prepared them for the practical exercise of what they denied as a theoretical right—resistance to a popish king. But the tyranny which the episcopalians in Scotland had wreathed about their own necks was so complete, that even this last expres-

* The writer of the preface to Mr. Delaune's plea for the nonconformists says, that Delaune was one of *eight thousand* who perished in England in prison during the reign of Charles II. merely for dissenting from the church of England ; and estimates the fines and penalties inflicted in three years at two millions sterling at least ! Mr. Jeremy White, who carefully collected a list of the dissenting sufferers, and their sufferings on account of religious opinion from the restoration to the revolution, had the names of *sixty thousand* ! Parson's Abr. of Neale, vol. ii. p. 608.

sion of dissatisfaction was denied them; they durst neither print nor publish any thing in defence of their own religion, even had they been qualified for the task; while a papist was appointed printer to the king's family, and Scotland was inundated with tracts in favour of the royal prerogative and religion.* The king hoped for greater concessions from the Scottish presbyterians; and as no forbearance could be expected between two religious parties, who each laid claim to a political establishment, he expected his own religion would the more easily obtain the ascendancy from the inveterate opposition of the others.†

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Abject
state of the
Scottish.

LXXXVIII. Accordingly, in the month of June, a third Indulgence was transmitted from court, by which every restriction and limitation was removed; and persons of every persuasion were permitted the free exercise of their respective worships, rites, and ceremonies, without disturbance, in any church or chapel appropriated for that purpose, as well as in private houses, excepting always open fields, where meetings were as strictly prohibited as ever; and which magistrates and officers of the forces were commanded to prosecute with the utmost rigour, as, after this royal grace and favour shown, there was not the least shadow of excuse left. The presbyterians in general accepted of this toleration, and acknowledged his majesty's goodness in granting a favour, which none of them owned expressly his right to bestow. Some of the older ministers and elders, however, who re-

A third In-
dulgence.Field
preaching
strictly pro-
hibited.

* Fountainhall's Dec. vol. i. p. 424. Watson, who was appointed printer to the king at this time, got also a gift from the privy council to print all the prognostications; it appeared, in an action brought by the proprietor against the king's printer for pirating the "Aberdeen Almanack," that 50,000 copies of these alone were sold annually at a plack each. Dec. vol. i. p. 278.

† It betrays a woful ignorance of human nature in the supporters of catholic emancipation in the present day [1826] to expect that two hierarchies, who have both claims upon the church lands of the state, can ever be placed upon a footing of mutual privileges and equal rights, unless these claims be settled—give the Roman catholics every thing they *now* ask, to-morrow there would be new demands—nothing will ever satisfy them but power in the state and supremacy in the church—they will never submit to be second so long as a religious establishment exists. It is different with protestant dissenters; they may not allow the justice of the church of England's claims to seats in the house of peers, and to tithes and fellowships, but they have no counter-claim of their own to set up.

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1687.

Consistency of the
covenant-
ers.

turned under its shelter to their native land, while they consented to avail themselves of the benefit, objected to addressing the king as if they had received any favour. The covenanters, who were thus left alone, maintained, when deserted by their brethren and overwhelmed with obloquy, those principles from the avowal of which they had never shrunk, and which in less than a twelvemonth they were to see recognised by the Scottish parliament, and acted upon by some of the very men who were their most violent accusers and prosecutors; they refused either to acknowledge James as their sovereign, or accept at his hand of the smallest favour which implied submission to a papist, or the legitimacy of a prince who had refused to take the coronation oath.*

Ascendancy of the
papists.Court of
high commission re-
vived.

LXXXIX. When a decided minority in the state have the ear and affections of a prince, they not unfrequently attempt to supply by vociferous professions their deficiency in strength. The papists, who were not a tenth of the population of England, and scarcely a decimal fraction of that of Scotland, having now entire possession of the royal confidence, monopolized all the ostensible loyalty in the kingdom; and were in rapid progress to attain its reward, when the impolitic zeal of James, by treating with suspicion as disaffected, all his protestant subjects, forced the hitherto discordant to unite for self-preservation. The court of high commission had been revived in England under the auspices of the detestable Jeffries, with power to punish those

* Their reasons, in which they state at full length why they could not accept the toleration, were, besides others of lesser import: "They considered it as flowing from absolute power, a power which all were to obey without reserve, which cannot be limited by laws, and therefore they could not accept of it without acknowledging a power inconsistent with the law of God and the liberties of mankind; they considered that the proper tendency of it was to introduce a lawless loyalty, establish the king's tyranny, and unite the hearts of protestants to papists. But above all, they considered the nature of this pretended liberty as most dishonourable to the cause of Christ: for though nothing is more desirable than when true liberty is established by the government, yet nothing can be more vile than when the true religion is tolerated under the notion of a crime, and when the exercise of it is only tolerated under such and such restrictions." Sentiments to which, had they acted fully up, they would have been entitled to a deeper veneration and a purer glory than the iniquity of the times allowed them to acquire.

who “seemed to be suspected of offences, and to correct, amend, or alter the statutes of the universities, churches and schools; or where the statutes were lost to devise new ones, notwithstanding any law or statute to the contrary;” and the suspension of the bishop of London from office had evinced their ready subservience to the most illegal or arbitrary mandates. Their operations were directed against the universities of Cambridge and Oxford, upon whom James wished to obtrude jesuits as members and office-bearers, in opposition to the rules and statutes and principles of the institutions. The resistance of Oxford, a college which had condemned any opposition to the royal will as damnable, was very properly punished by the confiscation of the refractory fellows’ freeholds. But their principles did not lead them to take patiently the spoiling of their goods, and their wrongs diffused over the whole nation, swelled the flood of discontent which had been gradually but strongly rising throughout the land; for in the attacks upon the privileges of a college, and the seizure of their patrimony for adherence to their oaths, men saw that private property was no longer to be deemed sacred; and the church of England anticipated an appropriation of all their preferments to converts or retainers of the ancient superstition.

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1689.

Attacks the
English,
the univer-
sities, &c.Resisted
by Oxford.Effects of
this pro-
ceeding.

xc. At Edinburgh the process was already begun. The inhabitants of the Canongate were turned over to Lady Yester’s Kirk, and the abbey church, in which they had been wont to assemble, was appropriated to the Roman catholics, under pretext of a transference to the knights of St. Andrew. Public schools were established in the Palace of Holyroodhouse, and conducted by priests, which were honoured by the title of royal, and the children of poor protestants were offered to be admitted to gratis instruction.

Activity of
the Roman
catholics.

xc. The proceedings in Scotland at this time exhibit the natural evils of despotism in the strange mixture of severity and laxness that marked its wayward operations:—its favours were precarious, its mischief certain. The smiles of the court were now lavished on those men whom it had formerly persecuted; and its former ready instruments were irritated and estranged, without any steady support being derived from the others, who perceived the very slippery ground on

Politics of
the court,

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And of the
presbyterians.

Regulations proposed for the Scottish universities.

Laid aside.

Prosecutions.

Anderson of Waster-ton.

which they stood, and knew that they only preserved their footing so long as subservient to a purpose, which, when they had contributed to effect, they would speedily be discharged. The court was endeavouring to render the friends of freedom the instruments of its destruction, while they were endeavouring to effect the overthrow of the tyranny by which they had already suffered, and beneath which they could never be secure;—this view of the parties renders the contradictions of the government intelligible.

XCII. About the same time that the attempts were made upon the English universities, attempts were also made upon those of Scotland. A new commission for their visitation had been appointed, whose sub-committee proposed that the privy council should enact, “That the professors should inculcate as a principle in ethics the unlawfulness of defensive arms and resistance to the king; that the regents in all time coming should be unmarried men, as by the foundations of the colleges they were intended for churchmen: and that no regent should remain above eight years in the university—” which two last regulations were understood as ultimately intended to apply to principals and professors. But the university of Edinburgh, which had been erected since the reformation, giving in a representation against any encroachment upon their liberty, the privy council forbore to interfere; and the revolution, which saved the country, intervening, preserved the other seats of learning from retrograding into the darkness from which they had emerged, and replacing the shackles they had thrown away.*

XCIII. Nor amid declarations of tolerance and indemnity, so frequent in the lips, did their rulers altogether desist from occasional displays of oppression sufficient to show that, under whatever guise they might be temporarily concealed, the lineaments and hue of the Ethiop were still the same. Anderson, younger of Waster-ton, shortly after the proclamation of the first Indulgence, happening in a tavern, in a casual debate over a glass of wine, to maintain, for the sake of argument, the lawfulness of defensive arms against tyrannical princes, and having spoken irreverently of the king’s absolute power

* Fountainhall, vol. i. p. 451.

assumed in that declaration, was informed against, tried for treason, and forfeited; Kerr of Moriston, charged for intercommuning with a rebel, was amerced in the sum of L.2000 sterling. But against the "wanderers" the persecution continued with the same virulence of spirit, although, from the change of men, whom the change of measures necessarily introduced into power, it was considerably modified in practice; yet two respectable citizens of Glasgow were banished only for hearing a sermon, and refusing to turn informers; and sixteen men and five women were sent to the plantations because they would not own the present authority to be according to the Word of God, disown the Sanquhar declaration, and engage not to hear Mr. Renwick any more. At the same time the garrison of Berwick, under the duke of that name, a natural son of James, was ordered to march into Scotland to assist in dispersing or preventing conventicles, a measure, however, which was likewise preliminary to marching Scottish troops into England, an interchange of the forces being meant to subserve the final subjugation of both kingdoms.

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1687.

Kerr of
Moriston.Citizens of
Glasgow,
&c.Move-
ments of
the troops.

xciv. While the bonds of government were loosened, and the people broken with persecution and the fatal results of so many ineffectual risings, an event took place which threatened to rivet and render hereditary the yoke which was preparing; but which, in the good providence of God, was rendered a mean of hastening the deliverance of the nation. Early in the month of January, ONE THOUSAND SIX HUNDRED AND EIGHTY-EIGHT, the queen's pregnancy was announced, and a day of public prayers and thanksgivings ordered to be kept for the happy event. In Scotland the glad tidings were followed by the apprehension and execution of James Renwick, the last of the persecuted who sealed with their blood upon the scaffold the cause of freedom and religion. He had long been obnoxious to government, who had set a reward of L.100 sterling upon his head, as he was almost the only minister who asserted a right to preach the gospel, wherever he had opportunity, uncontrollable by any human ruler. When the toleration was granted, and so many had complied, he lamented that good men, through timidity or love of ease, should have strengthened the hands, and encouraged the claims of arbitrary power, by consenting

1688.

Thanks-
giving for
the queen's
pregnancy.James
Renwick,

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1688.

Protests against the compliers with the toleration.

to accept of an uncertain Indulgence from the caprice of a tyrant, in place of that constitutional liberty which had been so repeatedly and so solemnly secured by the acts of legislature and the oaths of the nation; and he came to Edinburgh empowered by the "wanderers" to protest against the dereliction of principle which such conduct evinced. Having performed this duty, he crossed over to Fife, where he continued preaching in the fields till the month of January, when he returned to Edinburgh.

He is apprehended.

xcv. Although he entered the city late at night, and took up his abode with a merchant on the Castle Hill, who dealt in English goods, such was the vigilance of the spy-system, still in full force in the capital, that information was immediately given to one Justice, a custom-house officer, that a stranger had arrived. This man, who appears to have been long upon the watch for Mr. Renwick, proceeded immediately, upon pretext of searching for prohibited goods, and surprised him. In attempting to escape, he received a severe blow on the breast which staggered him, and, falling in his flight, he was taken and carried to the guard-house. He was accused of disowning the authority of the king, and keeping field conventicles in opposition to the law, neither of which offences did he deny; and being found guilty, received the sentence of a rebel. It had been customary with the ruling party to nominate as jurymen persons who they knew from principle would rather be fined than serve, and even now this legal mode of plundering was not overlooked; several were in the list of the assize who were noted for their attachment to the cause, and do not appear among the names of the jury. The advocate seemed desirous to save him; he was even respited by the court in order to induce him to comply, but he dared not save his life at the expense of his peace of mind; and constantly refused to make any concession which might be construed into owning a power, which he considered, the deserted cause of his God, and the violated constitution of his country, called upon him to resist.

Refuses to comply.

xcvi. An immense crowd assembled to witness his execution, as for some time before spectacles of that kind had not been so frequent. On the scaffold he declared that that was the most joyful day he ever saw, and blessed the Lord who had

honoured him with the crown of martyrdom, an honour which the angels are not capable of. The drums and noise having disturbed him when engaged in his last devotions, he remarked at the close, "Well, I shall soon be above these clouds! then shall I enjoy thee, O God, and glorify thee without interruption or intermission for ever!" When the napkin was tying over his face, he said to his attending friend, "Farewell! be diligent in duty; make your peace with God through Christ, there is a great trial coming. As for the remnant I leave, I have committed them to God; tell them from me not to weary nor be discouraged in maintaining the testimony; let them not quit nor forego one of those despised truths. Keep your ground, and the Lord will provide you teachers and ministers: and when he comes, he will make these despised truths glorious in the earth." He was turned over the ladder repeating, "Lord, into thy hands I commit my spirit, for thou hast redeemed me, Lord God of truth." This young minister was put to death in the 26th year of his age, in the vigour of his health and the midst of his usefulness. He was of a fair and ruddy countenance, but grave and sedate. Having during his whole life been trained among the persecuted, he thus acquired a tenderness of conscience and firmness of soul which some have stigmatized as over-scrupulousness and obstinacy; but he had studied closely the cause for which he suffered, and every nail in the temple, even the very dust of Zion, was dear to him.*

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1688.

His execution.

His dying
advice to a
friend.

* Wodrow, vol. ii.—Cloud of Witnesses.—Fountainhall, vol. i. 495. The following traits of Mr. Renwick are given by one who was well acquainted with him:—"The latter end of this year I heard that great man of God, Mr. James Renwick, preach; and there was one thing this day which was very remarkable to me, for though it was rain from morning till night, and we as wet as if drenched in water, yet not one fell sick; and though there was a tent fixed for him he would not go into it, but stood without in the rain and preached, which example had great influence on the people to patience when they saw his sympathy with them. But now, with a grieved heart, I must bid a final farewell in time to this worthy minister and highly honoured martyr, for within two months he was apprehended and executed at Edinburgh. He was the only man that ever I knew that had an unstained integrity. He was a lively and faithful minister of Christ, and a worthy christian, such as none who were entirely acquainted with him could say any other but that he was a beloved Jeddiah of the Lord. I never knew a man more richly endued with grace, more equal in his temper, more equal in his spiritual frame, and more equal in walk

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1688.

English
affairs.Bishops
petition a-
gainst read-
ing the In-
dulgence.Are com-
mitted to
the Tower.

xcvii. Had James possessed equal power in England, the process there against all who did not own his unqualified despotism would have been equally brief and satisfactory as in Scotland; but compliant as his parliament had been, he had never obtained from them any recognition of his absolute power and prerogative; and his rash attempt to force the bishops to proclaim it, accelerated his fall. When a second Indulgence was issued and ordered to be read in the churches, Sancroft, archbishop of Canterbury, and six bishops, respectfully petitioned that he would be pleased not to insist upon their distributing a declaration founded upon such a dispensing power as had often been declared illegal in parliament, and to which prudence, honour, and conscience forbade their making themselves parties by the solemn publication of it in God's house in the time of divine service. Chagrined at such unwonted spirit, when James received the petition he told them he had heard of it before, but did not believe it. "I did not expect this," added he, "from the church of England, especially from some of you;" but he deemed it degrading to retreat, and when he found he could not procure compliance, he committed the disobedient prelates to the Tower, and with surpassing folly, brought them to trial for framing and publishing a

and conversation. Many times when I have been thinking of the great Mr. Knox, Mr. Welsh, and others of our worthy reformers, I have thought that the great Mr. James Renwick was as true and genuine a son of these great men as any that ever the Lord raised up in this land to contend for truth. He seemed to come upsides with them in soundness of principle, in straightness of practice, in meekness, in prudence, in zeal for the glory of God, in giving testimony for the truth and against sin and defection, so that though he was the Joseph that was sorely shot at and grieved, yet he was the Caleb that followed the Lord fully. When I speak of him as a man, none more comely in features, none more prudent, none more brave and heroic in spirit, yet none more meek, more humane and condescending; he was every way so rational as well as religious, that there was ground to think the powers of his reason were as much strengthened and sanctified as those of any mere man I ever heard of. His converse was pious, prudent, and meek; his reasoning and debating were the same, carrying along with them a full evidence of the truth of what he asserted: and for stedfastness in the way of the Lord, few came his length—he learned the truth and counted the cost, and so sealed it with his blood." Nisbet's Mem. 18mo. p. 199, *et seq.* Nisbet probably was partial, but this extract shows the strength of affection that subsisted between the persecuted and their ministers, and the grounds upon which it was founded.

sedition, false, and malicious libel against the royal prerogative and government, under the pretence of presenting a petition to the king.

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xcviii. The whole nation, which had been in a state of the most ominous quietude, waiting the progress of James' measures, wanted only some definite exciting cause to produce an explosion, when the resistance of the bishops—as grateful as unlooked for—occurred. The importance of the crisis was at once perceived; and so universal was the agitation, that it was considered unsafe to pass them through the city of London to the Tower, and they were sent by water, while the crowd who covered the banks prayed for their safety or craved their blessing as they sailed down the Thames; and the soldiers themselves knelt for a benediction from their prisoners. But the public mind was still more highly excited by the trials; and when a verdict of acquittal was pronounced, it was received in court with a shout that made Westminster ring, was celebrated in the city with illuminations and bonfires, re-echoed through every town and village in the kingdom, and even invaded the monarch's ear as he banqueted in the midst of his encampment, formed on Hounslow to overawe the metropolis.

State of the
public
mind.

Rejoicings
on their ac-
quittal.

xcix. Two days before this important event, the queen was safely delivered of a son, a circumstance, in the then state of the public mind, hardly of less consequence. Whispers of a pretended pregnancy had prepared the people for the report of a supposititious birth, and a very general feeling spread that an imposition was intended on the nation; nor was it lessened by the real or affected doubts which the king's own family were known to entertain.* Whatever was in this, it directed the eyes of the whole protestant population to Mary, the king's eldest daughter, the unsus-

Delivery of
the queen
suspicious.

Protestants
look to
Mary as
successor.

* In the letters from the princess Anne to her sister the princess of Orange, inserted in Dalrymple's *Memoirs*, her royal highness appears to have doubted the fact of the queen's pregnancy, vol. ii. app. to book v. p. 171. Her characters of the countess and earl of Sunderland, in the same letter, are very plain and outspoken for a princess: "Sure there was never a couple so well matched as she and her good husband; for as she is throughout in all her actions the greatest jade that ever was, so he is the subtlest workingest villain that is on the face of the earth."

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William
prince of
Orange.His cau-
tious con-
duct.Fagel's let-
ter to
Stewart.William's
declaration
to Mr.
Warner.

pected heiress of the crown, herself a protestant, and united to the protestant champion of religious and political freedom in Europe ;—William prince of Orange.

c. William's first introduction into public life was under circumstances peculiarly favourable ; his struggles in defence of his country, and his success in rescuing it from a situation to all appearance desperate, attracted the eyes of Europe, and commanded their admiration, while his inveterate opposition to France, whose satellites Charles and James had condescended to be, pointed him out as the natural assertor of British liberty. The discontented and persecuted of both nations had long found an asylum in Holland ; they looked up to the prince as the presumptive heir with the liveliest hope, and his interposition had been secretly solicited to save the island from impending slavery. But with prudent caution he declined risking an almost certain succession for the chances of a doubtful contest : and while he encouraged the expectations of the malecontents, carefully kept aloof from committing himself with his father-in-law.

ci. His first open avowal was occasioned by the king himself, who wished to obtain his consent and that of his princess, to the repeal of the penal laws and the test. Stewart, lord Melfort's secretary, who had been pardoned, recalled, and trusted, was employed in the latter end of 1687, to correspond with his friend the pensionary Fagel on this subject. The pensionary, in his reply, communicated the prince and princess's ready acquiescence on the repeal of the penal laws, and their willingness to aid in promoting religious toleration for all dissenters ; but they refused to agree to the abolition of the test, the only safeguard of the protestant religion. This answer, widely diffused over England, was considered as a kind of manifesto ; and, in Scotland, the affections of the presbyterians were secured by a declaration which the prince was reported to have made to Mr. Warner, one of the exiled ministers, when about to return to resume his functions : " I have been educated in that persuasion, and hope to continue in it ; and I assure you if ever it be in my power I shall make the presbyterian church government the established church government of that nation, and of this you

may assure your friends, as in prudence you find it convenient ; and although my wife has not been so bred, yet I can give you the same assurances for her as for myself.”

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CII. Before it was ascertained whether a male or female would be given to the fears and hopes of the three kingdoms, the papists, with the queen at their head, who dated her conception from the period of her mother's pilgrimage to Loretto, anticipated and prophesied the birth of a prince ; but in order to prepare for the worst, some already raised a question, which had previously been agitated in the schools, whether a child born after the parent ascended the throne ought not to be preferred before those born in a private station as heir to the crown ? The protestants also were not inactive, they redoubled their assiduities to the prince of Orange, who on his part, relaxing from his distance, received them more cordially, when the annunciation of a son lulled the papists into security, consoled James with the prospect of a catholic successor, and at the same time accelerated every preparation for his ruin. Under the terror excited by the prospect of an hereditary religious despotism in England, churchmen and sectaries for the time forgot their animosities, and were disposed to give mutual credit to each other's professions of liberality. A secret coalition was in consequence formed of materials the most discordant, and from every quarter assurances of support were conveyed to William.

Coalition
of all parties
against
the king.

CIII. There was, however, no circumstance which contributed so much to facilitate the operations of the prince, as the unbounded confidence reposed by James in the earl of Sunderland ; who, with matchless duplicity, contrived to render the very treacheries he was committing arguments for soliciting an increase of the salary, which, in imitation of his master, he received from Louis. And while he obstructed the only measures that could have averted invasion, or for the time preserved the power of his master—the introduction of a foreign force into England, and the invasion of the united provinces by France,—he had the art to represent his opposition to these measures as proceeding from zeal for the service of James ; and his conduct as dictated by a desire to prevent his forfeiting needlessly the affections of his subjects. He prevented any intelligence from reaching the

Treachery
of the earl
of Sunder-
land.

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Circum-
stances fa-
vourable to
William's
design.James' va-
cillating
conduct.

king, which might have informed him of the extent of his danger; and with a hypocrisy, of which James himself seems to have been the dupe, he adopted the religion of his master to prevent him from suspecting that he had an interest separate from his.

civ. A number of the most favourable contingencies occurred to conceal from the British monarch a conspiracy which at once widely pervaded his own dominions, and sent forth ramifications through almost the whole continent. The menacing attitude of Louis, whose ambition had leagued Europe against him, served as a pretext for assembling a Dutch army; the reported hostility of Denmark afforded a cover for collecting a fleet; and the preparations for invading England were nearly completed before the infatuated James would believe it possible the armament could be intended against him.* Alarmed at the certain intelligence of danger, the king endeavoured, when too late, to regain the affections of his people by abandoning or retracting his most hated and illegal measures; but exaggerated reports of the total dispersion of the expedition, in a storm, having reach-

* It was one of not the least remarkable of these contingencies that the pope himself contributed to the downfall of James, and the establishment of the champion of protestantism on the British throne. Dr. W. Smith, a great advocate of James, says, "the pope knew king James's opinion as to the regalia, [*i. e.* regale, a right claimed by the king of France to enjoy the revenue of vacant sees, till the oath of fidelity was taken and registered in the parliament of Paris, also the power of nominating to the benefices in gift of the archbishop or bishops during the vacancy,] to be the same with that of the French kings, and, therefore, looked upon him, if not the greatest enemy he had, yet as a dreadful second; therefore he tried all ways to work king James into his confederacy against France for the establishment of his supremacy there. To this end, count D'Adda was sent over his nuncio to king James, but with this instruction, that if he found the king immoveable, then to promote his deposition all he could to bring about the revolution which had long before been concerted at Rome." Hist of England, vol. ii. p. 343. This nuncio had resided sometime in England in a private capacity, and was a young man of a light character; he was soon afterwards consecrated archbishop of Amasia, on which king James, or his secretary, remarks, with some pettishness, "that the people being apt to turn the most sacred things into ridicule, would hardly be persuaded that by a man's entering into orders gravitie, experience, learning, and all other qualifications fit for a bishop would be conferred in an instant as in the apostles' days!" Memoirs, vol. ii. p. 118.

ed him, he recalled his concessions, and lost their confidence for ever.*

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cv. On the 19th of October, the prince of Orange set sail from Helveotsluys. His fleet consisted of sixty-five ships of war, and more than five hundred transports, and he had on board upwards of fifteen thousand troops, with spare arms for twenty-five thousand more.† At sunset a dreadful hurricane arose, and the horrors of the tempest were augmented by the darkness of the night, the terrors of a lee shore, the number of the vessels, and the crowd of landmen. In a short time the whole fleet was dispersed, and when morning dawned scarcely two ships could be seen in company. After two days struggling with the storm, the prince returned to port, with only four ships of war and sixty transports; but the armament having speedily reassembled, and the damage being quickly repaired, in less than a fortnight, he finally—November the 1st—left the shores of Holland, with a fair wind, amidst the sounds of martial music, and the thunder of artillery, accompanied by the benedictions and hopes of his countrymen. While the English fleet lay wind-bound in Harwich, the Dutch passed with

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Prince of
Orange's
fleet dis-
persed.

Sails again.

* James received the news of this dispersion, which was believed to be a total loss, with great apparent devotion: "It is not to be wondered at," said he, "for the host has been exposed these several days!"

† Among them were three Scottish regiments which had been long in the Dutch service, afterwards known by the name of the "Scots Brigade;" they were among the oldest regular troops in Europe, having existed from 1572, and had frequently defended the cause of freedom under the princes of the house of Orange. At the battle of Reminant, near Mecklin, in 1578, they bore the heat of the day against the Spaniards, and fought in their shirts, without armour. General Mackay now commanded them. He was descended of Hugh Mackay of Strathnaver, ancestor to the lord Reay. He had commenced his military career as captain, in Douglas's regiment, in the French service, and for his merit, in Italy, was rewarded with a medal of great value. He was afterwards employed by the state of Holland, in which he obtained the rank of colonel of a Scottish regiment. In 1685, on being recalled to oppose Monmouth, he was raised to the rank of major-general, June 4th, and on the 18th of the same month was appointed general of the forces in Scotland, and admitted member of the privy council. Monmouth's rebellion being speedily repressed, he returned to Holland, where he remained till he accompanied William upon the present occasion.—Hist. Acct. of British regiments in the Dutch service.—Account of the family of Mackay: MSS. in the possession of A. Mackay, Esq. of Blackcastle.

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1688.

He lands
at Torbay.Advances
to Exeter
—joined by
the nobility,
&c.The king's
army disaffected.He refuses
to call a
parliament.

an east wind through the straits of Dover, in view of both coasts, crowded with innumerable spectators, who gazed with astonishment and awe at the imposing grandeur of the spectacle. Sabbath, the fourth, and his birth-day, the prince spent in devotion; on the fifth, the anniversary of the gunpowder plot, he landed safely at Torbay, and ordered this day to be celebrated as a day of thanksgiving throughout his fleet and army.

CVI. Next day at noon he commenced his march, but the astonished country waited in mutual expectation to see who would first hail their deliverer. He was allowed to advance to Exeter amid a winter storm, without being joined by any of those who had invited him; and he continued in that city for nearly a week in a state of doubtful anxiety. No sooner, however, was an example set, than the nobility and gentry of Devonshire and Somerset flocked to his standard, and entered with enthusiasm into an association for his defence. "I came upon your invitation," said the prince as he welcomed them, "and I expected to have had the pleasure of seeing you sooner."*

CVII. James, as soon as he heard of the prince's landing, ordered his army to assemble on Salisbury Plain; for, uncertain where the blow might be first struck, his forces were necessarily scattered in various directions. But the spirit of disaffection had extended to the army; lord Colchester, earl Rivers's eldest son, the friend of the unfortunate Monmouth, led the way, and he was quickly followed by Cornburry, the earl of Clarendon, who carried with him part of his regiment of dragoons, to swell the ranks of the invaders. To allay, if possible, these strong symptoms of revolt, the king was advised to call a free parliament; but this last measure, which might have distracted his opponent, he refused or evaded, by an answer that, had his conduct been answerable, might have been deemed heroic. "I will have a parliament, and such an one as you ask, as soon as the prince of Orange has quitted this realm; but how is it possible that a parliament can be free whilst an enemy is in

* This anecdote I give upon the authority of Sir J. Dalrymple, but I confess I give any of his anecdotes with much hesitation.

the kingdom?" Retaining the same appearance of courage, James left the capital and proceeded to Salisbury, with the professed intention of giving the prince battle. On his arrival in the camp, he summoned a council of general officers, the result of which was, a determination to withdraw his army, and intrench it behind the Thames, to meet the progress of events, as he had now lost all confidence in those by whom he was surrounded. Lord Churchill and the duke of Grafton, who had strongly urged the propriety of instantly fighting, when they found they could not prevail, left a monarch whose only chance of success now consisted in adopting prompt and energetic measures, and enlisted with one whose spirit was more in unison with their own.*

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Joins the army—it is resolved to withdraw it.

Lord Churchill and duke of Grafton desert to the prince.

CVIII. While he remained at Salisbury, every successive messenger brought him an accumulation of evil tidings. The north, the midland, and southern counties, rose in insurrection; and what surprised him most, as he had ever relied upon it as his most cherished arm of power, the very fleet declared against him. The night before he began his retreat, prince George of Denmark, the duke of Ormond, lord Drumlanrick, and some others deserted.† On his march, the officers left him at every step of his progress; but his affliction was incomplete, till, on reaching London, he found

The fleet declares for him.

* Dalrymple says lord Dunbarton, a son of the house of Douglas, asked leave to attack the prince with his Scottish royal regiment, consisting at that time of 5000 men, of which 3000 were with the regiment, assuring the king, that though he could not hope to defeat the prince, he would give him a shock which the king might take advantage of; but James refused, saying, "He would not throw away the lives of so many brave men upon an action which could not be decisive." And he adds, that "lord Dundee with a generous confidence advised him either to fight the prince, or go to him in person and demand his business in England."—Mem. vol. ii. p. 201. James in his own memoirs makes no mention of this advice of Dundee, but he mentions expressly that Dunbarton was for the safer measure of withdrawing the army without risk, to cover London.—Clarke's Life, vol. ii. p. 223.

† Prince George had been accustomed to say, when he heard of the desertion of any of those who had been much obliged to the king, "Est il possible?" When James heard of his having himself deserted, he sarcastically asked with surprise, "What, is 'est il possible' gone too?" In his own memoirs he says, "The king was hugely surprised when they told him the prince was gone; he however could not forbear saying that he was more troubled at the unnaturalness of the action than the want of his service, for the loss of a good trooper had been of greater consequence."

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that the princess Anne, his beloved daughter, had fled, and that his queen was suspected of being accessory to her murder. The falsity of the rumour was soon discovered; but the bereaved father, in the anguish of his heart, exclaimed, "O! if my enemies only had cursed me I could have borne it."

James calls
a council of
peers.

cix. Counsel and courage seemed both to have forsaken the unhappy monarch. He was agitated with the ever-varying reports of conspiracies against his liberty and life, and his fears were strengthened by the remembrance of his father's fate: one of whose expressions he often repeated, "short is the distance between the prison and the grave of kings." In his perplexity, he summoned a council of

They ad-
vise to treat.

peers, and while it was assembling, received one of those strokes of retributive justice which sometimes unexpectedly, in an hour of calamity, overwhelm the soul with recollections inexpressibly excruciating. Accosting the earl of Bedford, lord Russel's father, "My lord, you are a good man, you have much interest with the peers, you can do me service with them to day." "I am an old man, and can do but little," replied the earl, "but I once had a son who could have served your majesty upon this occasion."*

Conditions
offered by
William.

The peers advised him to issue writs for a new parliament, and send an offer of treating to the prince. With these he found it expedient to comply; and the lords Nottingham, Halifax and Godolphin, were appointed his commissioners. William, who continued to advance amid the acclamations of the people, receiving continual accessions of strength, met the deputies at Hungerford, and in conjunction with his English councillors, stated as the basis of any negotiation, "That all papists should be disarmed and removed from places of trust: the tower of London and Tilbury fort should be put into the hands of the city, and Portsmouth into those of persons chosen by both princes; that no more foreign forces should be brought into the kingdom; that a revenue should be assigned for the maintenance of the prince's army, and that if the king chose to reside in London during

* The old man had offered one hundred thousand pounds for the life of his son, but James, when duke of York, had persuaded king Charles to refuse it.

the sitting of parliament, the prince might reside there likewise, attended with an equal number of guards."

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cx. Hard as these conditions were, they were milder than James could have expected; and might, had they been frankly acceded to, have still preserved the throne to the Stuarts. He seemed indeed inclined to receive them favourably, when a furious proclamation against papists, issued by a private individual, in the name of the prince, awakened all his terrors. His queen, and the infant prince of Wales, were objects of his anxious solicitude. He imagined that the prince of Orange was desirous to obtain possession of his son; and if William was guilty of injustice to his father-in-law in attributing to him the design of forcing on the nation a supposititious heir, the latter was not less harsh in asserting that the prince meditated the destruction of the child. For them he was now desirous to provide a safe retreat to France. The queen herself was eager to depart. She had been reminded of the impeachment of the king's mother, and the probability of a similar proceeding being commenced to free the kingdom from a contested succession, while, from the influence of the prince of Orange, the issue could not be doubtful. Barillon too, who saw the termination of French influence if a free parliament were suffered to assemble, urged upon James the propriety of yielding for a time to the storm by seeking refuge with his consort and heir in France, from whence he might return with greater splendour, supported by a force sufficient to invigorate his friends, and to crush his enemies: while his priests, who knew that they must be sacrificed if any treaty were finished, added all the weight of their exhortations to the entreaties of the queen and arguments of the ambassador.

The king's
perplexing
situation.

Advised to
leave the
kingdom.

cxr. In compliance with those united, James agreed that the queen and prince should depart first, and promised that he would speedily follow. Accordingly, on the sixth of December, in the evening, her majesty, with the nurse and child, then five months old, accompanied by a few attendants, went privately from Whitehall. She crossed the Thames in an open boat, at the coldest season of the year, in a dark night during a violent rain storm, while the swollen river, rolling with a heavy current, had nearly carried her frail bark along

The queen
sent away.

BOOK
XVIII.

1688.

to a distance from the landing place. A street coach had been ordered to wait for her upon the opposite side, but by some accident it was delayed for an hour. During this time, she took shelter under the walls of an old church at Lambeth, alternately turning her eyes on the babe, who lay unconscious in his nurse's arms, and on the lights of the city—amid the glimmering of which she in vain explored the palace where she had left her husband, till the vehicle at length arrived, which conveyed her to Gravesend, where a vessel was ready to convey her to Calais.

James
quits Lon-
don.

CXII. A hint from lord Halifax, and the advance of the prince's army, determined James to follow his queen, in the hope that his absence would increase the public confusion. At three o'clock on the morning of the 11th, he withdrew in disguise from Whitehall, and attended only by sir Edward Hailes, crossed the Thames in a common barge, having previously ordered lord Feversham to disband the army, and burned the writs for a new parliament. He now threw the great seal into the river, and taking horse on the opposite side of the water, by by-ways, and under the darkness of a winter morning, he sought the sea-coast, where a custom-house barge lay ready to convey him to France. His departure, equally unlooked for by his friends and enemies, spread general consternation; and the mob considering it a signal for riot, began to plunder the houses and chapels of the papists—nor did those of the foreign ambassadors from popish powers escape in the confusion.

William in-
vited there.

James
brought
back.

CXIII. Seeing this dissolution of government, a few prelates and peers who were then in London, assumed the direction, issued a declaration announcing the king's flight, and sent an invitation to the prince of Orange to enter the capital and preserve the peace. Hardly, however, was order established, when the return of the king threatened to create more disturbance. He had been intercepted in his attempt to escape, recognised, and brought back to the metropolis; and the populace, evincing their usual fickleness, welcomed him with every demonstration of affectionate loyalty, and followed his chariot wheels with shouting to the palace. His last act was to issue an indiscreet proclamation respecting the late disturbances—for he was awak-

ened out of sleep at midnight, by a message from the general council of nobles, requiring him to remove from London to prevent any further tumult. He chose to retire to Rochester, in which he was gratified; but the neglect of his servants told him he was no longer a king; he was allowed to remain in his barge an hour after he was ready, although the weather was boisterous, till he missed the tide, and, in a dark December evening, did not reach Gravesend until three hours after sunset. He was accompanied by the lords Arran, Dunbarton, Aylesburgh, Litchfield, and colonel Hamilton, an Irish officer.

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XVIII.

1688.

Finally
leaves the
city.

CXIV. At Rochester he was joined by a number of those who still adhered to his fortunes, who urged every argument to induce him to stay. "By his departure," they told him, "he gave his enemies every advantage they could desire, he gave up the field entirely to them, while he disheartened his friends; whereas, should he remain, the affections of his people, which had only been led astray, would revert to their usual channel, as he had already perceived at London; his army though disbanded was not lost. 'Give me your commission,' Dundee is said to have positively exclaimed, 'I will gather ten thousand of your troops—I will carry your standard at their head, through England, and drive before you the Dutch and their prince.' A promise, if ever made, which he might have found some difficulty in performing.*

Consulta-
tion at Ro-
chester.

But the spirit of James had sunk with his circumstances, and the dread of a public execution had absorbed every other idea; he would listen to no proposals for resistance, and only looked forward to France for safety. Perceiving that his guards had been weakened, he concerted with some of his confidential friends the means of taking advantage of what he considered a favourable opportunity; and having left a letter containing his reasons for the step he took, he deserted a throne which his rival mounted without drawing a sword.†

James flees
the coun-
try.

* There can be no doubt but that if some such advice had been followed, the north of England, and all Scotland, would have been subjected to a bloody, perhaps uncertain contest, for the disciplined troops were nearly equal, and the subalterns were almost all devoted to James.

† Dalrymple's Memoirs, vol. ii. book iv. p. 200, *et seq.*; M'Pherson, vol. ii. p. 496; James's Memoirs, vol. ii. p. 136, *et seq.*; Clarendon's Diary, Ralph, Rapin, &c.

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XVIII.

1684.

Particulars
of his es-
cape.

cxv. The adventures of James in leaving the country were neither so romantic nor perilous as those of his brother or grandson, yet they contain views of the mutability of fortune not less impressive; and one link in the chain of mischance which was wreathed round the hapless Stuart family would be wanting in their story, were I to omit narrating them, and might be deemed improper, particularly as they have been left on record by himself. "He, the king, ordered captain Trevannion and captain Macdonnel to prepare a shallop, which, as soon as he heard was come up, and that all things were ready, he resolved to go off about twelve at night, but thought proper to leave a paper behind him, containing some reasons which obliged him to take that resolution, with directions to have it made public after he was gone." "So his majesty went to bed at his usual hour, and, when the company was gone, got up again, went out by a pair of back stairs, and so through the garden where captain Macdonnel waited for him to show him the way to the place where captain Trevannion staid with the boat, into which the king got with these two captains, the duke of Berwick, and Mr. Biddulph, about twelve at night, and rowed down to go right aboard the smack which was ordered to be ready to receive them without the fort of Sheerness; but it blew so hard right a-head, and the tide of ebb being down before they got to the salt-pans, it was almost six in the morning before they could get to the swale: and having both wind and tide against them, it was impossible to get out to where they thought the smack lay, so were necessitated to go on board some vessel that lay in the swale, till the windward tide came, which would not be till after day-break. Captain Trevannion advised going on board a Hamburgher to refresh their men, and stay till the tide served; but the king not liking that, proposed going on board captain Trevannion's own ship, called the Harwich, which lay there also; but the captain told him although he could answer for the fidelity of his officers, he was not able to do it for the common seamen, and therefore would by no means advise his majesty to it. Upon which the king resolved to go on board the Eagle fire ship, under the command of captain Wilford, knowing him to be an

honest and loyal officer, and could govern his men who had been so many years with him. So on board that ship he went, and staid till it was broad day, and then perceived the smack at an anchor within the swale, not far from them, being obliged to come from the station she was ordered to be at, because it overblew, and she not a good roader. The king therefore went immediately on board of her with his company, notwithstanding the gale did not slacken, and took captain Trevannion's boat in tow, and her crew with him, so they were in all above twenty men, and lieutenant Gardner who had the care of her, providing small arms and hand grenadoes, they would have been hard enough for any of these little vessels which were waiting for purchases. When they were got to the buoy at the Nore they durst not turn down any lower, the wind at east-north-east and east-northerly, but were obliged to bear up the river and anchor on the Essex shore, under lee of the sand, in smooth water, till the next tide flood should be done—it blew very hard all that day, being Sunday; but as it began to dark, the gale slackened a little, so that, as soon as the tide was broke they got under sail, and turned it down as far as the red land, and anchored a mile short of that buoy. Next morning it proved more seasonable weather, so they got under sail before the sunrise, and without touching, just reached the buoy of the narrow, turned through it, and so to the north foreland, and designed to have got about the north sand's head, and on the back of the Godwin, and so scaped the Downs; but being got into the S—en tide, which run ebb, they could not weather it, and so bore up through the Downs, choosing rather to venture that than come to an anchor. It was very remarkable, that all that day they saw not any ship nor vessel under sail, and only seven at anchor in the Downs; as it began to dark they got clear of the south sand's head, about what time it prevails little wind, and began to snow about six, the wind continuing still easterly; but about eleven it cleared up, and then they saw the high lands of France about two leagues on head, and standing in with it, made it to be Blackness, and bore up to Bologne bay, not being able to fetch Calais, and so came to anchor before

Continued.

BOOK
XVIII.

1688.

Continued.

William
invited to
assume the
govern-
ment.A conven-
tion called.

Ambleteuse, where they found a French man of war in the roads, and so went on shore to that village about three on Tuesday morning, being Christmas day old style." "In this small voyage," adds the transcriber of his memoirs, "the king underwent those hardships which are never failing attendants of such hasty and hidden expeditions; if, in so calamitous a situation of his affairs, any thing but the loss of his three kingdoms could be reckoned a suffering; for, besides the danger of crossing the seas in so small a vessel, and in the depth of winter, he was put up all that while in a small cabin, where was just room for him and the duke of Berwick to sit, in continual apprehensions of being attacked and seized by his rebellious subjects. However, it was some cause of mirth to him when growing very hungry and dry, captain Trevannion went to fry his majesty some bacon, by misfortune the frying-pan having a hole in it, he was forced to stop it with a pitched rag, and to tye an old furred can about with a cord, to make it hold the drink they should put in it. However, the king never eat or drank more heartily in his life." Such is the royal journal of James's flight, and under such mean circumstances did he skulk out of a country where, but for his religious and his despotic principles, he might have been great, powerful, and happy.

CXVI. No circumstance could have been more fortunate for the friends of the revolution than the flight of the king. It shook the confidence, and destroyed the plans of his adherents, and dissipated all the projects of the wavering, who expected to accomplish an accommodation between the conflicting parties, or were uncertain which side to choose, but who now, without scruple, joined in supporting the prince of Orange. The peers who were in London immediately met, and after signing the Exeter association, addressed the prince, requesting him to assume the government, and summon the commons to assist in the final settlement of the nation. In compliance with their request, he assembled all the members of the lower house who had sat during the reign of Charles II. together with the lord mayor and aldermen of London, and by their advice issued writs for the meeting of a convention. When this assembly met, the distinctive principles of whig

and tory, which had been allowed to slumber in the time of general confusion, began to re-appear; nor was it without considerable debate that the final vote was carried in the commons —“That James the Second having endeavoured to subvert the constitution of the kingdom, by breaking the original contract between the king and people, and by the advice of jesuits and other wicked persons, having violated the fundamental laws, and withdrawn himself out of this kingdom, has abdicated the government, and the throne is become vacant.”

BOOK
XVIII.

1688.

Commons
declare the
throne va-
cant.

CXVII. In the house of lords the struggle was more severe. The tories were averse to declaring the throne vacant, or recognising any original contract between the king and the people, as being contrary to the constitution of the English monarchy, which they contended was hereditary and not elective; they therefore proposed, first a regency, and then that the crown should be settled upon the princess alone. But William protested he would accept of no regency, nor of any crown that was held in right of another; and that if either of these plans were adopted, it must be without any reference to him. The princess, who was entirely devoted to her husband, having as openly declared her determination to decline any honour or power in which he stood not first, the verbal disputes which divided the two houses were laid aside, and the convention passed a bill settling the crown on the prince and princess of Orange—the sole administration to remain with the prince, Anne, princess of Denmark, and her posterity were declared heirs next to those of her sister Mary, and preferable to the children of William by any other wife. A declaration of right accompanied this settlement of the crown, and the revolution in England was complete.

Crown set-
tled on
William
and Mary.

CXVIII. I have anticipated a little to avoid interruption in the narrative, and that the affairs of the sister kingdom may be the better understood, by not being unnecessarily blended with the other, with which, although so intimately connected, they were in many cases, and in some strong leading features, entirely distinct.

THE HISTORY OF SCOTLAND.

Book XIX.

James VII.—Retrospect.—All parties consider a Revolution necessary.—William's Invasion announced.—Preparations to defeat it.—Discordance in the Council.—Declaration of the Presbyterian Ministers; and of the Cameronians.—Army ordered to advance southward.—Nobles and Ministers meet publicly to decide as to the conduct to be pursued.—The King's letters to the Council intercepted.—Argyle and others join Prince of Orange's party.—The Council declare for him.—Athole assumes the government.—Perth withdraws.—Riot at Holyroodhouse.—Houses of papists plundered.—Cameronians on a false alarm take up arms.—The Curates turned out.—Earl of Perth made prisoner.—William's declaration.—His Address to the Nobles, &c. at London.—They agree to confer the government upon him.—Duke of Gordon retains Edinburgh Castle for James.—Mutiny of the Scottish troops in England.—They are sent to Holland.—State of Parties in Scotland.—Convention meets.—Letters of William and James to it; the former read, the latter treated with contempt.—James empowers Balcarras and others to call another meeting at Stirling.—Dundee leaves Edinburgh for Stirling.—His conference with Duke of Gordon.—Meeting at Stirling prevented by the prompt measures of the Convention.—Dundee ordered to lay down his arms.—Convention approves of the address of the Nobles, &c. at London to William.—The throne declared vacant.—Act of Settlement.—WILLIAM and MARY proclaimed.—Argyle's address on presenting the deed of Settlement.—William's reply.—He objects to the last clause of the Coronation Oath.—Measures for securing the peace of the Country.—James lands in Ireland.—His letters to Balcarras seized.—Warrant issued for apprehending him and Dundee.—Proceedings of Dundee in the North.—He surprises Blair Castle.—Outmanoeuvred by Mackay, he disbands his troops.—Castle of Edinburgh Surrenders.—Convention constituted a Parliament.—State of parties.—Carstairs directs the affairs of Scotland.—A regular opposition formed in Parliament.—Dispute respecting the Committee of Articles.—Act abolishing Episcopacy unsatisfactory.—Act excluding the abettors of the late government refused by William.—Act respecting the Court of Session, lost.—William's View of Church Government.—He wishes to establish a general uniformity of Worship.—Appoints the Lords of Session.—The Cameronians prepare a Memorial for the King.—Renew the Covenant.—Dissensions among them.—Their petition to the Estates. Concur in calling William to the throne.—They raise a regiment in de-

fence of the Country.—Lord Murray besieges Blair Castle.—Dundee relieves it.—Battle of Killicrankie.—Dundee killed.—Consternation of government at Mackay's defeat.—Proceedings of General Cannon.—His defeat by the Cameronian regiment.—1688-1689.

I. IN Scotland the revolution was accomplished with a rapidity which overwhelmed the government with astonishment, paralysed their faculties, and drove them at once from the helm. A train of persecutions for twenty-eight years had desolated the presbyterian church, and irrevocably alienated the affections of that persuasion, who received every boon with distrust; and in the exercise of the freedom which they now enjoyed, were more anxious to perceive the means of its stability, than thankful for what they conceived to be a treacherous gift. The episcopalian party, in their terror for losing their ascendancy, expressed their feelings both in the pulpit and in conversation, with little regard to the doctrine of passive obedience; and their harangues being in consonance with the general spirit of the country, produced effects they were far from intending, but could not afterwards recall or remedy. So far did their animosity carry them, that they ventured to dissent upon the most delicate point in the controversy—the reality of the queen's delivery; and ceased to pray for the prince of Wales. Almost all the officers, civil and military, were disgusted with the measures of the court, in first having been called upon to lay down their commissions and take out new ones without swearing the test, and then being ordered to purchase remissions for breaking the law, from the earl of Melfort and his secretary, at the rate of four pounds sterling each; which order, although recalled upon a representation from the council, left behind it an impression that was not easily forgotten.

II. While the country was in this state, and every party agitated with various hopes and fears, the opinion became general that some revolution was necessary to secure the people from popery and arbitrary government—and even the episcopalians themselves pointed out the prince of Orange as the destined deliverer; and the removal of sir George Mackenzie from the office of lord advocate, and of Harcarse and Edmonstone from the Session, aggravated the public

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1688.
James VII.
Retro-
spect.

Dissatis-
faction of
all parties;

Who con-
sider a re-
volution
necessary.

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1688.
An inva-
sion an-
nounced.

Prepara-
tions to
defeat it.

Discor-
dance in
the council.

fears. For if the ready tools of government were not secure, who could expect to be safe?

III. At length, in September, an express from the king announced the important intelligence of an expected invasion from Holland. But the news at first was affected not to be believed, and the common impression was, that the king intended his message as a pretext for raising money, and drawing an army together for other purposes; but the reports from abroad soon became too distinct to admit of doubt,* and the privy council immediately took steps for calling out the force of the country. The militia was directed to be embodied, the highland chieftains were warned, beacons and signal posts were erected, and several suspected characters who had lately returned from the continent, were apprehended; among others, captain Mackay, nephew to the major-general, and doctor Blackader,† afterwards physician to king William, both of whom were in the secret; but no information could be obtained.

IV. The council itself, however, was discordant, envy or a family quarrel excited Athole against Perth; and with that prudent foresight for which the Scottish nobility were celebrated, the chief families began to divide among themselves, and distribute their services, so as best to enable them to secure their estates. Lord Murray, Athole's son, was in communication with the prince of Orange, while his father, if not already a partisan, equivocated between the parties, and

* Accounts were received by the masters of vessels who arrived at Borrowstounness and Burntisland from Holland, some of whom were examined before the privy council.

† The doctor had several remarkable escapes; it is told of his former apprehension, that when under guard to be examined before the privy council, his sister joined the crowd that followed, anxious to be of service to him, for none of his brothers durst appear; she was not, however, allowed to approach near enough for conversation, the soldiers beating her back with their muskets; but she had attracted his attention, and she observed that while looking stedfastly at her, he pointed to his hat; it occurring to her that he intended to signify something important by this signal, she went directly to his lodgings, and having found among his baggage a hat, she narrowly inspected it, and found concealed under the lining, papers of such importance, that if discovered, would have endangered his life, and she immediately destroyed them, which she had scarcely effected, when a party of soldiers entered the house to search for any papers, and were disappointed. Blackader's Diary, &c.

effectually promoted the cause of the revolution without meriting the gratitude of his country. He thwarted the proceedings of his colleagues by his alternate vibrations, till having procured the admission of whig officers into the militia, he, under pretence of sickness, withdrew from their meetings.

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v. About the same time the king desired the earl of Perth to inform him of the sentiments of the presbyterian ministers, upon whose gratitude he reckoned for the indulgence they enjoyed; and sir Patrick Murray was commissioned to sound their inclinations, and learn if possible the mode of proceeding they intended to adopt, in case of actual invasion. When he addressed them singly, they declined to answer; but at a general meeting in September, they sent a message to the earl of Balcarras, informing him that they owned God hath made the king an instrument of showing them some favour; but as they were convinced this was only with the intention of ruining the protestant religion, they could have no intimate connexion with a government, the chief places of which were intrusted to papists; and added, "they would behave in the juncture as God should direct."*

Declaration
of the Pres-
byterian
ministers.

vi. The mountain men were more explicit. At a meeting held at Wanlockhead in Nithsdale, they resolved "that duty and safety seemed to demand rising in a posture of defence to avoid snares and inevitable destruction; and that when all would be required to take a side, it would be a reproach if they, who had hitherto born arms for the defence of religion and liberty, should now lie by as indifferent—that their appearance in arms should not be sudden so as to expose themselves as a prey, but that it should only be attempted when all the country were in a combustion and the people generally present to declare themselves; but they rejected malignant sectaries, and complices from their number, and unanimously concluded that they could have no association with the Dutch in one body, nor come formally under their conduct, being such a promiscuous conjunction; only after some debate it was agreed that they would so far

Of the Ca-
meronians.

* Balcarras. Wodrow, vol. ii. p. 644, et seq. Faithful Contendings, 369. Minutes of the Society, 1688.

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keep correspondence with them as to co-operate together against the common enemy, inform them of their motions, receive ammunition and officers to instruct them in the art of war :—so strongly did they blend together the civil duty of self-defence with what they considered the purity of presbyterian church government. They fortunately were not called to compromise their peculiarities in any conjunction with the erastians, but afterwards they did noble service in securing the revolution cause.*

James orders the army to march to the south.

Rejects the proposal of the secret committee.

Orders the army to proceed.

VII. The army, however—small as it was—distributed throughout Scotland, effectually kept the country quiet, and prevented any dangerous co-operation among the discontented, when James ordered them to march south. Upon receiving his first orders to this effect, the secret committee instantly sent off an express to remonstrate with the king upon the danger of the measure, and laid before him a plan which, happily for the nation, he was prevented from approving, as it must inevitably have rendered the island again the theatre of another bloody and probably doubtful civil contest. They proposed bringing down a detachment of the highlanders, which, with the militia new modelled, and the regulars, would have formed an army of observation thirteen thousand strong, to be stationed on the borders of Scotland or the north of England, ready to march to any quarter wherever there happened to be the least appearance of a rising. But a peremptory order was returned for the immediate march of the army, accompanied with a taunting message from Melfort, that if any of his majesty's servants were afraid to remain they might accompany it. Their departure was the signal of disorder; the militia succeeded as guards in Edinburgh to protect the council, but they were raw and undisciplined, their loyalty was doubtful, and their commander, sir George Monro, was only to be relied upon so long as the party with whom he acted was superior; and the executive power became powerless the moment the mi-

* It deserves to be mentioned to the praise of the united societies that at the time of their deepest poverty they exhibited an uncommon richness of liberality. A little before this they collected no less a sum than four thousand three hundred merks Scots, which they remitted to Barbadoes for the redemption of their brethren who were in slavery.

litary were withdrawn. They, however, along with the prelates, stood forward at this conjuncture with professions of loyalty to James, and these were strong as in the brightest hour of his prosperity:—the council made the usual offer of their lives and fortunes, and the bishops followed with their prayers “that God, who had so often preserved his majesty, would still preserve and deliver him, by giving him the hearts of his subjects and the necks of his enemies.”

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1688.

Professions
of the coun-
cil and bi-
shops to the
king.

VIII. During this suspension of authority, the friends of liberty and religion met openly to deliberate upon the line of conduct to be pursued in so delicate a conjuncture; and the chief leaders among them were naturally those who had suffered under the iron reign of the council—the earls of Glencairn, Crawford, Dundonald and Tarras, lords Bargenny and Mersington, with many gentlemen of the first rank; but they were joined also by lord Ross, and several of the other party who now saw the government tottering, and wished to secure themselves from being crushed in its ruins. The ministers met separately, while sir James Montgomery undertook, with the assistance of the society men, to intercept all correspondence between the court and the privy council, which was done so effectually, that, for some weeks, not one despatch from the king was allowed to reach its destination unopened. By this means the council remained ignorant of all the movements in England, while the others were perfectly acquainted with every thing that was going forward.

Public
meeting of
the nobles,

of the mi-
nisters.

The king's
letters to
the council
intercept-
ed.

IX. Whether there were any regular plan, or how far it extended with regard to Scotland, it is impossible to say; that kingdom having, under the despotism of Charles and James, been reduced so entirely to the situation of a dependent province, it appears, by all parties but the adherents of James, to have been considered as having its fate necessarily regulated by that of England; and these last seemed to consider its independence only as the forlorn hope of the Stuarts. But the prince of Orange was naturally the rallying point for the persecuted, and Argyle and Cardross eagerly embarked their fortunes along with him. Drumlanrig, Queensberry's son, disgusted at his father's disgrace, joined the confederacy of English patriots in London;

Argyle, &c.
join Wil-
liam.

BOOK
XIX.

1688.

His declaration published at Glasgow, &c.

The council send to James for instructions—their agent tenders their services to the prince.

The council declares for William.

Athole and his party assume the government.

with whom the earl of Annandale was associated; and by whom the affairs of Scotland were discussed, in correspondence with the exiles in Holland and the disaffected at home, till the landing of William gave consistency and form to their various schemes. His declaration was publicly announced at Glasgow, Irvine, and Ayr, and generally diffused throughout the country, while the privy council's proclamations against spreaders of false news were uniformly treated with contempt.

x. Placed thus in a state of the most distressing embarrassment, the secret committee of the privy council* despatched an agent to court to receive instructions; but when he arrived in England he found the cause of James desperate, and went to the prince's camp, to whom he was introduced by Dr. Burnet, and tendered him the service which he had been employed to offer the king. In this extremity the executive, if it may be so called, fixed upon three of their own number to proceed to England to procure intelligence,—lord Tarbet, sir George Lockhart, and lord Balcarras; but the two former declining the service, the latter proceeded alone, and shortly after the committee dissolved, a majority declaring for the prince.

xi. Hardly had the regular troops begun their march, when all Scotland was put in motion; and no sooner had they passed the border than the capital was filled with all the malecontents of the country, and numerous alarming reports of vague massacres kept the populace in a state of constant agitation. Meanwhile viscount Tarbet and sir John Dalrymple having chosen their side, persuaded Athole to join, who, besides being allied to the prince,† was already, from private animosity to Perth, disposed to support a revolution that would transfer the chancellor's power, into his own, or more friendly hands. Thus forming a superiority,

* The secret committee consisted of the earl of Perth the chancellor, the marquis of Athole, viscount Tarbet, the archbishop of Glasgow, lord Balcarras, and sir George Lockhart. K. James's Mem. vol. ii. p. 336.

† He was married to the earl of Derby's daughter, who was connected with the house of Orange by her mother, a descendant of the family of Bourville in France. K. James's Mem. vol. ii. 336. Laing's Hist. vol. iv. p. 198.

the party proposed that the militia, which occasioned, as they said, a useless expense, should be disbanded; and the chancellor, as timid and irresolute in danger as he had been haughty and cruel in power, consented to part with a force, which, wretchedly composed as it was, was the only one upon which he could place a shadow of reliance. No sooner were they reduced to a few troops for collecting the public money, than Athole and his friends waited upon his lordship, and informed him that they deemed it unsafe to meet longer in council with him, or others of his religion who were incapacitated by law; but if he would retire, they would take upon themselves all responsibility, maintain the tranquillity of the city, and disperse the discontented; and as the tumult had begun to assume a formidable appearance, he did not deem it safe to neglect the recommendation, but withdrew quietly from the fury of a mob, who had already offered a reward of four hundred pounds sterling for him or his brother, dead or alive.

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XIX.

1688.

Disband
the militia.Perth
withdraws.

XII. An independent company of soldiers under a captain Wallace, who had been left for the protection of the abbey, by their ostentatious preparations for defence, appear unintentionally to have first suggested or directed the attention of the populace to the royal chapel and its papistical accompaniments. Having excited the suspicion of some idlers who were strolling in the park upon Sabbath (Dec. 9.) they spread an alarm through the town that the gates of the palace were planted with cannon, and the court filled with armed men. Their exaggerated stories, gaining as usual, by circulation, attracted crowds, particularly of the students at the college and the city apprentices, who communicating and rousing their mutual feelings, created considerable noise and uproar; but after threatening the provost—who was obnoxious for his subservience—and proclaiming from the cross the reward for the chancellor, they dispersed without further disturbance. Next morning was unquiet, and the magistrates issued a proclamation, forbidding tumults, and ordering masters and parents to keep those under their charge within doors: it was torn at the cross as soon as read, and the officers employed to publish it were prevented from going farther. Murmurs only were heard,

Wallace
prepares to
defend
Holyrood-
house.

BOOK
XIX.

1688.

Mob proceed
against it.A scuffle
ensues.Mob in-
creases.

but reports had been industriously spread during the day that the papists had got into the town and designed to burn it that night; and at twilight the multitude—still principally collegians and apprentices—armed with staves, and agitated by indefinite terrors, again began to assemble about the head of the Cowgate, whence preceded by a blaze of torches, which their leaders had procured for the occasion, they took their route towards the West Bow, where they procured two drums, and then marched in triumph for Holyrood, increasing in numbers as they went along. In the Canongate they only stopped to receive and return a salute from the guard, and to pull down the picture of the earl of Perth from the cross. Upon reaching, however, the foot of the street, where captain Wallace, who had received notice of their approach, had advanced with a party of soldiers whom he had drawn up beyond the abbey strand, they halted, and sent a deputation to demand access to the court: Wallace refused, and desired them to keep back, otherwise he would be under the necessity of ordering his men to fire. Immediately the drum beat, and a shout of “run in upon him” arose in the crowd, which was answered by a volley from the military, and upwards of thirty were wounded, some mortally. Before, however, the men could retreat, the crowd rushed upon them, killed two, wounded several, and forced the rest to seek shelter within the court of the palace, the gates of which were instantly shut.

XIII. The mob, unable to force an entrance, and exasperated at the loss of their companions, retired toward the city with their killed and wounded, and dispersing in houses and closes, despatched a deputation to a number of gentlemen* assembled at the time in a tavern, who were known to be friendly, to inform them of the result of their attack, and to require assistance. Hitherto the crowd had consisted almost entirely of young men and boys; but the report of the bloodshed at the abbey roused the whole inhabitants, who issued

* Balcarras says, the chief of these were sir James Montgomery, Houston, Greenock (sir J. Shaw,) Mochrum sir James Dunbar,) Mr. William Lockhart, Drummond of Riccarton, William Drummond, clerk to the artillery, Murray of Livingston, lord Mersington, the fanatic judge, with a halbert in his hand, as drunk as ale or brandy could make him. Mem. p. 25.

forth armed, demanding vengeance against the murderers. The gentlemen who had been awaiting the crisis, now headed the populace, and proceeded with the regularity of a trained body. They procured from a quorum of the council a warrant to the magistrates that they should, in their robes, at the head of their train-bands, town-guard, and city officers, accompanied by the heralds in their coats, summon captain Wallace to deliver up the palace. Accordingly, the magistrates, followed by almost the whole population of the city in tumultuous procession, by torch light, went down to the abbey. When within gunshot the trumpets and heralds were sent in advance formally to demand the surrender of his majesty's house in his majesty's name. Wallace replied, "He had been put in by the whole council, and would not be put out by a part," and a few straggling shots were fired, which Balcarras sarcastically observes, "made all the magistrates and others draw behind stairs and down lanes, and leave major Graham, the train-bands, and his company, with the rabble, to dispute the matter."

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XIX.

1688.

Council order the magistrates to demand the palace.

Wallace refuses to deliver it up.

xiv. Had Wallace kept the gates shut, and defended himself from the windows, he might have set the whole at defiance; but leaving his commanding position, and descending to the court, Graham took advantage of his oversight, and marching round the palace, surprised the back entry that had been left unguarded. The soldiers thus taken in rear were instantly broken, Wallace and a number escaped; but the youths who at the same time obtained admission, avenged their companions, and put fourteen to death before the gentlemen could effectually protect them; six were made prisoners. When resistance ceased, the mob spread themselves through the royal buildings, and while some broke into the earl of Perth's cellars, and regaled themselves with his wine, the more zealous attacked and destroyed the immediate objects of their search—the monuments of popery—and with unsparing hands demolished the ornaments of the chapel, which had but lately been fitted up for the order of the thistle.

The mob obtain possession.

Destroy the monuments of popery, &c.

xv. Perhaps their rage was stimulated by the difficulty they had in obtaining the hated idols, the images of the saints, which the priests at the commencement of the disturbance had secreted in an oven, whose mouth they concealed by an

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1688.

Burn the
images and
Jesuits' col-
lege ;and plun-
der the
houses of
the papists.Burn the
pope in ef-
figy.The same
ceremony
performed
at Glas-
gow.

old press. When at last they were dragged forth from their cells, they were first carried in mock procession through the city, and on their return to the abbey close were with great solemnity committed to the flames. The Jesuits' college, with the printing house and library, were at the same time burned; nor were the sacred repositories of the dead spared in the general confusion and outrage, such as commonly accompany the operations of a mob. Next day the rioting continued; and as the civil power were without energy or union, the houses of the papists became an object of plunder, and many of the most profligate characters having joined for the sake of spoil, while one part of the rioters were busied in burning saints' relics and crucifixes, another were equally active in seizing and carrying off the plate and other valuable effects. But on the 14th the council resumed courage, and issued an order for the protection of the papists and their property, and for the time tranquillity was restored, not however before a ceremony which then began to be fashionable, the trial and execution of the pope, had been performed; a transaction "gone about in a true orderly manner, by the students themselves marching with their swords in their hands, every class under their particular captain, and the college mace carried before them by the under porter bare, the hautboys playing all the while, besides the honour the privy council and magistrates did them to be spectators of their show."*

xvi. Scenes of a similar nature followed at Glasgow; nor is it to be wondered at, that the wild and enthusiastic bursts of joy that hailed the resuscitation of a country should have been accompanied by extravagancies. It redounds however to the honour of our native land, that no bloodshed, no barbarous retaliation, took place. The college youths of the western, like the college youths of the eastern metropolis, carried in effigy his holiness through their streets, tried him with equal solemnity, and at last, with equal delight, sent the inanimate figure—as the power of which it was the representative had often sent the living image of God—to per-

* Balcarras, p. 25, et seq. K. James's Mem. vol. ii. p. 338. Hist. of late Revol. in Scotland, p. 24, et seq. Wodrow, vol. ii. p. 650, et seq. Arnot's Hist. of Edinb.

ish in the flames ; the tiara, the keys, the rags, and the tatters, all that was vile and all that was abominable in the eyes of presbyterians, were hung round "the stump of Dagon," which first did homage by prostration at the head of the Salt-market, and finally disappeared in smoke at the cross.

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XIX.

1688.

xvii. The Cameronians were waiting to assert their liberty, when a report casually, or perhaps intentionally, raised of the landing of "the Irishes" in Galloway, and the burning of Kirkcudbright, called them into action. Remembering the atrocities of Montrose, the wild career of whose victories and crimes was chiefly owing to the introduction of the Irish papists, and dreading a renewal of similar mischief from a new importation of their descendants, the whole society-people in Nithsdale and Galloway simultaneously flew to arms, in which they were joined by the presbyterians of the west, who partook of the general alarm.* But the alarm proving groundless, they turned their attention to purifying of the land from the relics and monuments of idolatry which they found in the houses of the papists, who were exposed to similar visitations throughout the country with their brethren of the same persuasion in the capital. In this the day of retribution, however, the conduct of the presbyterians in general towards their persecutors, if not altogether deserving of praise for its courtesy, may well excite astonishment at its moderation. On Christmas festival the episcopalian parsons in the south and west were prevented from officiating, or interrupted at their altars, and expelled their cures ; and their fringed gowns—a clerical badge since then obnoxious till of

Cameronians take up arms on a false alarm.

Destroy the relics, &c. of idolatry in the country.

Turn the curates.

* In the month of December 1688, a sudden and surprising report was spread all over Scotland that 10,000 papists were landed from Ireland, "had already burned down Kirkcudbright, and were within twenty-two miles of Hamilton." "This letter came to Edinburgh upon Friday night before Christmas, and all the night after the citizens' wives were running about the streets with their children in their arms, with hideous cries, what should become of them and their poor young ones ? Upon Saturday the contrivance being speedily and warily managed, against 11 o'clock there were got together in Douglas Moor some 6000 presbyterians well armed, for pretence of defending the country from these invaders. But their design was quickly discovered : for by three in the afternoon they were all divided into small detachments of two or three hundred in a company, whose business it was to disarm all that were disaffected to their cause, which they effectually did." Somers's Tracts, b. xi.

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1688.

Their moderation.

Earl of Perth attempts to escape to France.

Brought back.

Sent prisoner to Stirling.

late to presbyterian simplicity—in which they had been paraded to the boundary lines, were torn from their shoulders, and they solemnly warned against attempting to return to their parishes; nor does it appear that among the whole number who were thus summarily turned off, any solitary individual had either excited an affectionate wish for his detention, or was accompanied by the regret of his flock at his departure. No curate, however detested as an informer, lost his life; and the retaliating measures resorted to completely vindicated the character of the wanderers from the obloquy which had been thrown out against them as assassins or as fanatics, who indulged the fell passion of deadly revenge; neither was their triumph debased by rapacity or plunder; their hands were as unpolluted with the booty, as unstained with the blood of their humbled enemies. Seldom has popular tumult in the hour of revolutionary success been accompanied with so little outrage; and that it was so must entirely be attributed to the power of those principles among the people, which their rulers had stigmatized, persecuted, and endeavoured to destroy.*

xviii. Meanwhile the earl of Perth, who, at the commencement of these tumults, had retired to Castle Drummond, not thinking himself safe even there, resolved to withdraw to France. For this purpose and in a female disguise, he embarked on board a vessel at Burntisland, but he had been, notwithstanding his precautions, recognised by some of the lower ranks, who, giving the alarm, one Wilson, formerly a buccaneer in Jamaica, procured a party of seamen armed, seized a long boat, and set out in the pursuit, expecting to find a rich booty among the travelling luggage of the ex-chancellor. As the wind was quite calm, they overtook the vessel near the Bass, and brought the earl and his lady back prisoners to Kirkaldy, where they were thrown into the common jail, till removed by an order of the committee of council, to the castle of Stirling, whither they were conducted by the earl of Mar.

xix. The prince of Orange's declaration was now published everywhere, and it was so framed that, while it excited

* Faithful Contendings, p. 368. Burnet, v. iii.

the hopes of all parties, except the immediate papistical agents of government, it was not calculated to drive any to despair. After enumerating the enormities of the two reigns, which required no exaggeration, he explicitly asserted the right of his consort and himself to the crown of Scotland, as what rendered it an imperious duty in them to espouse the true interest of the nation in freeing them from the tyranny under which they groaned, and the danger of its being perpetuated under a supposititious heir.* “But that our intentions,” he adds, “may be so manifest that no person may doubt, or pretend to doubt thereof, to excuse themselves from concurring with us in this just design for the universal good of the nation, we do declare, that the freeing that kingdom from all hazard of popery and arbitrary power for the future, and the delivering it from what at present doth expose it to both, the settling it by parliament upon such a solid basis as to its religious and civil concerns, as may most effectually redress all the above-mentioned grievances, are the true reasons of our undertaking as to that nation. And therefore we persuade ourselves, that our endeavours to give the best assistance we can for the relief of so distressed a kingdom, shall not only not be misconstrued, but shall be accompanied with a cheerful and universal concurrence of the whole nation; that even those who have been instruments for the enslaving of it, will now show their dislike of what they have done by their timeous and seasonable diligence for its rescue; and that if any shall not give us that assistance which their conscience to God and their respect to their country oblige them to, they shall be justly charged with all the evils that may be the effects of such a want of their duty. And as we ourselves desire to trust to the Almighty God alone for the success of our arms, so we expect all good men that they will apply themselves most earnestly to him for his blessing upon our endeavours, that so they may tend to the glory of his great name, to the establish-

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1688.

William's
declaration
addressed
to Scot-
land.

* It has been argued that William did not believe in the supposititious birth, but in the letters of the princess Anne, and the general suspicion of the nation, he had sufficient grounds for assuming that it might be so, and he does not go farther in this declaration.

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1688.

Both parties construe it in their favour.

Address of the council received coldly.

Nobles, &c. flock to London.

William assembles the leading Scottishmen.

ment of the reformed churches, and to the peace and happiness of that kingdom."

xx. The term 'protestant religion' only was used in contradistinction to popish—an expression applicable either to presbyterianism or episcopacy, and both parties therefore drew an augury in their own favour—the presbyterians, because William belonged to their persuasion; and the episcopalians, because his wife had been educated in the English church. Yet as neither of them were assured of the ascendancy, and the bishops were allowed to attend the distracted council which the marquis of Athole called after the departure of Perth, no cordial address of thanks could be obtained to the prince for his declaration; but only a short, general, and cold congratulation, which was formally despatched by lord Glammis, and as frigidly received by William. All ranks, however, were eager to secure their own interest upon the spot, and the road to London exhibited an appearance of bustle and activity, such as it had never before presented. Every person, of whatever rank, degree, or persuasion, who could afford the expense of a journey, flocked to the English capital, while the ancient kingdom, deserted by statesmen, noblemen, and almost every person of influence, who had expectations or fears, was left in a state of disorganization approaching to anarchy, for nearly three months; yet did not the persecuted, now when they had the power, take upon them the work of vengeance.

1689.

xxi. Surrounded as William was by Scottishmen, who had claims upon him for their sufferings and their services, his conduct formed a noble contrast to that of their hereditary monarch when restored; he neither raised their hopes by indiscriminate promises, nor committed himself to the direction of any one party. On the 7th of January, 1689, he assembled the leading men at St. James's, and informed them, "that the only reason which induced him to engage in so great an undertaking was, that he perceived the laws and liberties of the kingdom overturned, and the protestant religion in imminent danger; and therefore seeing there were so many noblemen and gentlemen in town, he had called them together, that he might have their advice as to

what was to be done for securing the protestant religion, and restoring their laws and liberties according to his declaration." When the prince had retired, they withdrew, amounting in number, to thirty peers and eighty gentlemen, to Whitehall to deliberate. The duke of Hamilton, who had practised with both parties, but who had, during the preceding reigns, acted most frequently in opposition, was chosen president, and opened the meeting with a short speech, in which he depicted "the great disadvantages under which Scotland laboured, from its state of tumult and disorder, without any shadow of government, or any regular authority," and "that therefore it was necessary the executive power should be lodged somewhere, until a convention of estates should be called, and that that could be nowhere better or safer than with the prince."

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1689.

His address
to them.

Hamilton's
proposal to
vest the go-
vernment
in him,

xxii. Although the assembly contained a number of James's friends, among whom were the earl of Balcarras, treasurer, and Claverhouse, now created viscount Dundee, yet none of them offered any opposition to the proposal, except the earl of Arran, the president's son, who rose and read to the following effect: "I respect the prince of Orange as much as any man here does; I think him a brave prince, and that we all lie under great obligations to him for delivering us from popery; but while I bestow these just praises upon him, I cannot violate my duty to the king my master. I must distinguish between his popery and his person: I dislike the one, and have sworn and do owe allegiance to the other. This makes it impossible for me to concur in an address which gives the administration of his kingdom to another. We are Scottish, not Englishmen. The king's father and grandfather, did not abdicate the crown of Scotland even by quitting their native country, how then can the king do it by quitting England only? The prince asks our advice:—my advice is, that we should address him to invite the king to return, and call a free parliament, which may provide, in a constitutional way, for the security of our property, liberty, and religion. All other ways are unconstitutional. By this alone the nation can avoid present, and prevent future discord." But this proposal was not seconded. The earl lay under a violent

opposed
by the earl
of Arran.

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1689.

Who is not
seconded.

suspicion of acting in concert with his father, and had brought forward his proposition without previously consulting the party by whom it was most likely to be supported. Besides, many of James's friends considered it as extremely ill-timed, and calculated rather to injure than to serve him, by affording the prince of Orange a pretext for sending down immediately troops to Scotland, which would have overawed the proposed meeting of the estates, and they were therefore rather disposed to concur in the address, in the hope of being able to defeat it.

Their ad-
dress,graciously
received.

xxiii. Sir Patrick Hume afterwards proposed, that previously to voting the address, the meeting should express their opinion that Arran's motion was derogatory to the honour of the prince; but the president replied, that they were assembled to give their advice to his highness, which they were now prepared to do; and it would therefore be much more regular to proceed with the address than to deviate into a discussion respecting a motion which no one had seconded. An address was in consequence unanimously voted, "thanking the prince for his pious and generous undertaking, and tendering their humble advice and desire to his highness, that he would take upon him the administration of all affairs both civil and military, the disposal of all the public revenues and fortresses of Scotland, and do every thing necessary for the preservation of the peace of the kingdom, until a general meeting of the estates, which he was humbly prayed to appoint for the 14th of March;" in the election of representatives to which, it was requested, "that none who were protestants should be excluded from legally voting, or from being returned as members,"—a most important clause which also was suffered to pass without opposition. The prince received the address graciously, and assured them they would always find him ready to concur in whatever could promote the security of the protestant religion or the welfare of the kingdom.*

xxiv. Both parties now eagerly desired to proceed home. A polite but political obstruction enabled the friends of Wil-

* Balcarras.—Clerk's Mem. of king James, vol. i. p. 338, &c.—Hist. Revolution in Scotland, p. 42.

liam to obtain an advantage of a few days, which materially contributed to secure the elections. All were invited to remain till they could be introduced to the prince, as king, when they were promised proper passports, which it was not thought expedient to furnish before the nation was finally settled. His supporters readily acquiesced, and upon his being proclaimed, kissed hands, and instantly set out for Scotland. James's adherents, who considered this as an acknowledgment of the right of William to the throne, hesitated and delayed; nor could they at first agree about sending to Scotland to influence the counties and boroughs where many gentlemen of their party refused to be nominated as commissioners to a convention summoned by the authority of a foreigner. Their scruples were only removed by secret instructions from James, who authorized them, by every method to procure, if possible, an ascendancy in the meeting of the estates, and they hurried down to try and procure it.

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1689.

William's
friends re-
pair to
Scotland.James' ad-
herents
hesitate.His advice
to them.

xxv. Balcarras and Dundee were the first who reached Edinburgh, about the latter end of February, where they found the duke of Gordon in the act of capitulating, and his baggage packed and ready to be sent out of the castle. With little difficulty they prevailed upon this facile nobleman to break off the negotiation and retain the fortress for the king, till he saw what course the convention would pursue. While the parties were preparing for the eventful contest which was to decide the fate of the kingdom, a sudden mutiny broke out among the Scottish regiments in England. William, who knew their attachment to the late king, wished to send them to Holland instead of the Dutch troops he wished to retain in England, upon whose devotion to his person he could depend; instead of obeying the orders, however, to prepare for embarkation, they commenced their march for Scotland. "They had not," they said, "yet renounced their allegiance; they were subjects of an independent kingdom, and would receive orders only from their native monarch." The few officers who opposed the general will were disarmed, and, with drums beating, colours flying, and four pieces of cannon, they left Ipswich, threatening to force their way home if opposed; but the inhabitants were not friendly, provisions

Duke of
Gordon re-
tains Edin-
burgh Cas-
tle for
James.Mutiny of
the Scot-
tish troops
in Eng-
land.

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1689.

They sur-
render and
embark for
Holland.Parties in
Scotland
—charac-
ter of the
leading
men.among
the whigs.

were everywhere removed, the bridges broken down, and the roads obstructed, till at length hunger subdued their loyalty, and upon the advance of four regiments of dragoons, they surrendered, and consented to embark for the continent. From this affair originated the mutiny act.*

xxvi. In England the revolution had been accomplished by a coalition of parties. In Scotland, although the names were the same, the whigs and tories were placed in a state of irreconcilable opposition; and upon the ascendancy of the one or the other depended the stability of the revolution there. The former, who were professedly presbyterians, were attached to William and liberty; the latter, the episcopalians, persevered in their devotion to the fugitive king. But in times of public commotion the different parties are often directed by men who, from political motives adopt the profession of principles for which they have little regard, and who, from circumstances, become leaders of those whose confidence they have not yet obtained. The leading men among the whigs stood exactly in this predicament in Scotland. Hamilton had been frequently in opposition during the late reigns, rather however from personal than public motives; and his conduct had been of that ambiguous nature,† perhaps, best negatively defined as not the open

* Journals of the house of commons, March 15, 1689.—Reresby, 334.

† His manœuvring in England at the time of the invasion will explain the general strain of his politics better than any dissertation. "When James first fled his capital, the duke declared to the members of the Scottish privy council, then in London, the earl of Airly, lord Livingston, viscount Dundee, lieutenant-general Douglas and Balcarras, That he would middle in nothing wherein they were concerned or had subscribed; that he was free himself, having never acted since the last indemnity, but that he would consult with the English lords what was proper next to be done, and so in a fury left us in his own house. But three days after, when he heard of your majesty's coming back from Feversham, and that things were not like to go as he expected, he sent for the viscount Dundee, and made great excuses for his passion, and desired him to go to us all and offer his friendship, and for that affair betwixt us in his own lodgings, intreated we might think no more of it. After your majesty's coming back from Feversham, no man for the short time you staid appeared more concerned for your service; but your majesty had no sooner taken water at Whitehall than he had his coach ready, and went straight to the session house to the prince of Orange, and offered his service." Balcarras's Account of the Revolution sent to King James.

enemy of the tories, nor yet the decided friend of the whigs. His rank, however, gave him a commanding influence, and although not originally intrusted with the secret when he joined the revolution party, he naturally became its ostensible head, and presided in their meetings. Stair, who had originally opposed Charles, emulated the versatility of the duke; he accepted of the office of a judge under Cromwell, was one of Lauderdale's steady supporters, fell with his administration, and having incurred the hatred of the duke of York, retired to the continent, whence he returned at the age of seventy, breathing all the fervour of his youthful opinions. Sir John Dalrymple, his son, partook of his father's pliancy. He had acted as lord advocate upon the resignation of Mackenzie, and now supported the side he had formerly persecuted. Argyle in early life deserted his religion to flatter the king, but returned a presbyterian from Holland with William, a form which he allowed to sit very lightly on him; Annandale, Montgomery, and their retainers, all were tainted in a greater or less degree with the villainy of the times; and, although varying in point of ability and private character, had each in their turn sacrificed their consistency at least, if not their integrity, at the shrines of place and of power.

xxvii. Nor were the chief men among the tories more worthy of the confidence of their followers. Athole, who had supported thoroughly all the measures of the royal brothers, had lent his aid to overturn the government of James, of which he himself was a principal member, and with the rest had gone to London to procure from William the reward of his services; but, disappointed in his expectations, he reverted to his first love, and being too powerful in the highlands to have his advances rejected, he was gladly received by his old friends, and placed foremost to compete with Hamilton. Queensberry and Arran had, the one a son, and the other a father, in the opposite interest; and the subaltern ranks were filled or mixed with deserters from the enemy. Balcarras and Dundee are less liable to a charge of tergiversation than any of their associates, and therefore possessed the greatest influence, although Balcarras was once

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1689.

Among the
tories.

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The people
in general
whigs.

in the confidence of Argyle and Dundee, and had fought under the banners of the prince of Orange.*

xxviii. As in all similar cases, a number remained undecided, to see which party would predominate ; but the great body of the gentry, and of the people in the lowlands were determined whigs, influenced by every motive which can regulate human conduct—religion, liberty, interest, the remembrance of past sufferings, and the dread of new injuries. So circumstanced, when an appeal was made, not in words, but in fact, to the sense of the nation in the choice of their representatives, it was easy to predict the nature of the returns ; and the wisdom which provided that none but papists should be excluded from their legal vote, and that the elections of burghs should be conducted by a poll of burghesses, secured for the friends of freedom a decided majority in the third estate.

Both parties
prepare
to overaw
the conven-
tion.

xxix. Oppressed, pillaged, and insulted as Scotland had been for twenty-eight years, there was yet a redeeming spirit in the land ; and while the satellites of the old despotism calculated at least upon an equality among the degraded nobles and the whole of the bishops, the presbyterians looked forward with confidence to the almost unanimous suffrage of the commissioners for the counties and burghs. Preparations were at the same time made by the two parties for securing an ascendancy in the convention by overawing it. Dundee had introduced a troop of sixty horse from among the mutineers who had returned from England, and the castle was prepared to fire upon the town. The duke of Hamilton and a few of the west country gentlemen brought some companies of foot ; who, together with their irregular partisans, being quartered in the city in cellars and places of concealment, threw an air of mystery over their proceedings and number. Neither party knew exactly the strength of the other, but the adherents of

* I have never met with any proofs that Dundee expressed a wish “ not to break with the prince of Orange,”—Somers’s Tracts, vol. xi. ; but I think it not impossible that, when he saw the pusillanimity of James, he might have, in some pettish mood, talked of remaining neuter ;—that he ever really intended to do so, I think highly improbable.

king James were prepared for the worst, and had his authority to act in a separate body if outvoted.

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xxx. The convention met on the 14th of March; their first trial of strength was in the choice of a president; the duke of Hamilton was named by the presbyterians, the episcopalians pitched upon the marquis of Athole; "not," says Balcarras, "that they had confidence in his parts or honesty, but he was the only man who could be set up against duke Hamilton." The presbyterians were victorious by a small majority, but it was decisive. That same day twenty of those who had promised to vote with the tories, left them, and with a shamelessness not altogether unmatched in later times, went over and added their strength to their opponents. There being a good many contested elections and double returns, a committee was next chosen to examine and report, which the ruling party, as was natural, contrived should consist of a majority favourable to their views; one prelate only, the archbishop of Glasgow, was of the number, nor were the lords spiritual allowed to vote as a separate state, the barons being again restored to the privilege of voting apart from the burghs; nor were their decisions always untainted by the prejudices of party, although the president, on this trying occasion, obtained the high praise of impartiality from his political enemies.

1689.
It meets—
Hamilton
chosen pre-
sident.

His impar-
tiality.

xxxi. One instance mentioned by Balcarras, as bearing at least the semblance of honesty, deserves to be noticed. Mr. Charles Hume of Ayton, who by the death of his brother had succeeded to the title of earl, had, on account of the debts of the family, forborne to assume it, as he held an estate which it was requisite he should surrender to his younger brother upon acquiring the earldom. In consequence he appeared in the convention as a commissioner for the shire of Berwick, but the case being brought before the committee, it was found that his succession to the peerage barred his being elected commissioner for a shire; on which being announced, he said, since they had not allowed him to sit in one capacity, he would in another which they could not prevent, and immediately took his seat as a peer, at the risk of ruining his personal fortune. This, however, which has been quoted as self-devotion to the

Case of
Hume of
Ayton.

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XIX.

1689.

The convention demands the surrender of Edinburgh Castle.

Gordon's vacillating conduct.

He is summoned to give it up.

cause of his country, I doubt much if he could avoid; for the report of the committee runs thus: "Mr. Charles Hume of Aytoune is not capable of being elected a commissioner for the shire of Berwick, as being a peer by the death of his brother James earle of Hume, and having been employed in council and militia under that designation."* This the estates approved, and I apprehend the reversionary heir would have seen the decision carried into effect, which by no means merits the epithet of partial, how much soever it may have answered the interest of the ruling party.

xxxii. After the house was constituted, their first object was to obtain possession of the castle, the only fortified place which held out for king James, and for the government of which there were two rival candidates; they accordingly sent the earls of Lothian and Tweeddale to require the duke of Gordon, as a papist and incapacitated by law, to deliver up his commission to them, and the garrison to the next in command, being a protestant. To this demand his grace—a weak and irresolute man—promised obedience; but with equal facility agreed to retract his promise, when Dundee expostulated with him on the want of faith to Balcarras and himself, which this surrender would imply; and the ruin in which it would involve the affairs of the king. His only anxiety was how to preserve the mockery of honour when he was sporting with its reality; but this case of conscience Dundee easily resolved, and by his direction, when the deputies came for the surrender of the place, the duke offered them good security for keeping the peace while he retained the possession! A formal summons was then sent by the heralds demanding his resignation of the command as a papist, and all intercourse with him, under the penalty of high treason, was forbidden by proclamation, and guards were placed on the avenues leading to the garrison.

xxxiii. Next day, when proceeding to consider the address made by the Scottish nobility and gentry in London to

* Dalrymple's Mem. vol. ii. p. 302. Acts of the Scottish Parliament, vol. ix. p. 9.

the prince of Orange, the convention were informed that a messenger waited at the door with a letter from king James. He was called in, and some of the members moved that the letter should be read; but the president reminded them that they were met by authority of the then prince of Orange, from whom also they had a letter which it was proper should be first read, as it would contain no orders to dissolve their meeting which the other might; the proposal being agreed to, the prince's letter received the preference. In it he expressed himself sensible of the kindness and confidence so many of the nation had reposed in him, in intrusting him with the administration of their civil and military affairs, and empowering him to call that meeting; told them it now rested with themselves to settle the nation on a solid basis, which he hoped they would set about speedily, that the people, after so much trouble and such great suffering, might live happily and in peace, and that they would lay aside all animosities and factions that might impede so good a work; and concluded by recommending an union of both kingdoms.*

BOOK
XIX.

1689.

Letters
from James
and Wil-
liam to the
convention.Purport of
William's.

xxxiv. Before opening king James's communication, an act was passed declaring that nothing contained in the letter should annul or impede the deliberations of the estates, which was declared to be a free and lawful meeting, and which should continue undissolved until they had settled and secured the protestant religion, the government, laws, and constitution of the kingdom; which act was signed by all present, among whom were all the bishops, and likewise has the signatures of Balcarras and Dundee.† The letter from James was then read, but the convention treated it with silent contempt, nor, although preserved, did they allow it to be recorded in the minutes.‡ The friends of James, after thus

James' let-
ter treated
with con-
tempt.

* In the record it is called the prince of Orange's letter, but it is signed William R. and dated from our court at Hampton, 7th March, 1688.

† A facsimile of the signatures is given in the Scottish Acts, vol. ix.

‡ This epistle, a strange mixture of arrogance and bigotry, was as follows.—
“James Rex—my lords and gentlemen, whereas ue hav bein informed that you, the peirs and representatives of shires and borroues of that our ancient kingdome, uer to meit together at our good town of Edinborrough, some time in this instant, March, by the usurped authority of the prince of Orange. We think fitt to let you kno that as ue hav at all times relyed upon the faithfulness

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1689.

He empowers
Balcarras,
&c. to hold
a separate
convention
at Stirling.

Dundee
threatened
with assas-
sination.

giving their sanction to the convention, resolved upon a measure which it had been more honourable, if not more prudent, to have adopted before; on the morrow, in a general meeting, his warrant, empowering the archbishop of St. Andrews, Balcarras, and Dundee, to hold a separate convention at Stirling, was produced, and the day following was appointed for its execution, but Athole was irresolute, and the time for leaving Edinburgh was deferred till the day after.

xxxv. Meanwhile a person having informed Dundee that his life and that of sir George Mackenzie had been threatened, he repaired to the convention and communicated his information to the duke of Hamilton; but the business not

and affectione of you, our ancient people, so much that in our greatest misfortunes heretofore, we had recourse to your assistance, and that with good success to our affairs. So now againe we require of you to support our royall interest, expecting from you what becomes loyall and faithfull subjects, generous and honest men: That you will neither suffer y^rselves to be cajolled nor frightened into any actione misbecomeing true hearted Scotsmen, and that to support the honor of y^e natione, you will contemn the base example of disloyall men, and eternise your names by a loyalty suteable to the many professions you have made to us—in doing whereof you will choise the safest part, since thereby you will evite the danger you most neids undergo, the infamy and disgrace you most bring upon yourselves in this world, and the condemnation due to the rebellious in the nixt. And you will lyke wayes have the oportunity to secure to yourselves and your posterity the gracious promises we have so often made of secureing your religion, lawes, propertys, libertys, and rights, which we are still resolved to perform as soon as it is possible for us to meit you safely in a Parliament of that our ancient kingdome. In the mean time fear not to declare for us y^r lawfule Sovereigne who will not feale on our part to give you such speedy and powerfull assistance as shall not only enable you to defend y^rselves from any forraigne attempt, but put you in a conditione to assert our right against our enemy's who have depressed the same by the blackest of usurpations, as the most unjust as well as most unnatural of attempts which the Almighty God may for a time permitt, and lett the wicked prosper, yet the end must bring confusione upon such workers of iniquity. We farther lett you know that we will pardone all such as shall return to their duty befor the last day of this month inclusive, & that we will punish with the rigor of our law all such as shall stand out in rebellion against us or our authority. So not doubting that you will declare for us, and suppress whatever may oppose our interest, & that you will send some of your numbre with an account of y^r diligence & posture of our affairs their. We bid you heartily farewell. Given on board the St. Michael, 1st of March 1689, & of our reign the 5th year, by His Majesties command—

(Signed) MELFORT."

being taken up with that warmth that he expected, or pretended to expect, he left the house, exclaiming against their injustice,* and repaired to the meeting of his associates whom he found preparing to go to the convention, the better to cloak their intended separation on the morrow with him. Astonished at this unexpected proceeding, he, with his natural impetuosity, urged them to adhere to their first resolution; but finding them inclined to remain, he told them that notwithstanding, he would proceed, and if any chose to follow he would wait without the town for them. Balcarras, who perceived that his departure would create alarm and defeat their project entirely, entreated him only to wait for one day longer; but he was positive, and immediately set out, accompanied by about fifty horse. On passing the castle a signal was made by the duke of Gordon, when he halted, and ascending the steep rock to the postern gate, held a conference with him; informed him of all the intended motions of James's friends, and earnestly begged of him to hold out till relieved, which he promised to do, and they parted. This interview attracted the attention of the guards watching the castle, who reported it to the convention, exaggerating the numbers of Dundee's attendants, which repeated messengers announced as still increasing. The meeting becoming agitated, Hamilton told them it was now high time

Leaves
town for
Stirling.

His confer-
ence with
Gordon.

* The only authority for this statement which I have been able to trace is Balcarras, but I have found no reason to doubt his authority in facts, however much I may differ from his inferences. Mr. Laing has the following note on the subject. "Historians have supposed that Dundee was seriously afraid of assassination, and that the parliament refused to listen to the evidence which he offered. But it appears that his only witness was examined, who declared that two men had threatened, in his house, to use Dundee and Mackenzie as they had been used themselves. Minutes of Convention, MS. As the men were not named, and as Mackenzie continued to attend the convention, it is obvious that Dundee affected an alarm." Hist. vol. iv. p. 207, note. In searching the MSS. in the advocates library, the only one I could find relative to the period was, "The Journals of the Meeting of the Estates of the Kingdom of Scotland, mett at Edinburgh the 14th day of March 1689;" but this contains no hint that any information was given by Dundee, and no notice of any witness being examined.

The regular records say nothing about the business. My opinion therefore is, that it was a mere *ruse* of Dundee's, and that the convention treated it with the contempt it deserved.

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XIX.

1689.

Prompt
measures of
the con-
vention,

to look to their own safety when papists and enemies to the settlement of the country were openly colleaguings without, and he had no doubt but they relied upon the co-operation of traitors within these walls; it was therefore his opinion that the doors ought to be locked and the keys laid upon their table, and some of their own number sent to beat an alarm, and collect together all who were well-affected to religion and liberty. His motion was instantly agreed to, and the convention ordered "the earl of Leven to cause beat the drums, and call together all persons who will assist him, and join with the train bands to secure the passes to the castle, that no person might enter or come forth, and to dissipate all companies of armed persons who may be collected without warrant from the estates." The call was promptly obeyed, and a numerous, if not a regular force, soon assembled, whose tumultuous shouting in the parliament close, struck the imprisoned members with terror, as they anticipated nothing but massacre from the western whigs, magnified by their fears into a cut-throat rabble; but when it was ascertained that Dundee had withdrawn, and that the peace of the city was secured, the convention, after granting a warrant for citing him to appear before them at their meeting on the 26th, and another for seizing all the saddle horses, adjourned, and relieved the malecontents from their apprehensions.

defeat the
meeting at
Stirling.

xxxvi. These energetic steps defeated the proposed separate meeting at Stirling; for Athole, upon whose highlanders they depended for guarding the town, gave the idea wholly up, and Mar, the governor of the castle, with Annandale, went over entirely to the revolutionists. Considering the manner in which the seceders had left the convention indicative of hostilities, the convention proceeded to put the kingdom in a posture of defence; required all the members who had left the meeting without leave of the president, to return, and the whole protestant inhabitants of the kingdom, between sixteen and sixty, to hold themselves in readiness for service; and transferred the command of the militia to hands they could trust. The Scottish regiments under general Mackay—who had accompanied William from Holland, and who had been sent down—were quartered at Leith

Their mea-
sures for
the security
of the
country.

and the suburbs of Edinburgh, and protected the convention from immediate insults; and the western patriots were honourably dismissed from their service with the thanks of the estates; but with prudent foresight they prepared likewise for their own future stability and the safety of the country, by naming the general commander in chief of Scotland, and ordering arms and military stores to be distributed throughout the west; two frigates were also voted for the purpose of cruising in the Irish channel and among the Western isles. They next despatched a herald to Linlithgow, where Dundee and lord Livingston had met, with a charge for them to lay down their arms within twenty-four hours, under pain of treason; and granted a warrant to the provost of Stirling to raise the inhabitants, and with the aid of the garrison to endeavour to intercept him, or any of his followers in arms, in their progress to the north.

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1689.

Charge
Dundee to
lay down
arms.

xxxvii. Freed from all opposition, the convention proceeded to approve the address made by the noblemen and gentlemen to the prince of Orange in London, to acknowledge it as their own, and ratify it in all its tenor and contents. A grateful answer to the king of England's letter was read, and transmitted by lord Ross to his majesty, acknowledging him under God as their great and seasonable deliverer, thanking him for accepting the administration of their affairs, and promising with all convenient diligence to take its contents into their consideration; the proposal for a union was respectfully noticed,* and it concluded with generally expressing their desires that his majesty would continue his care and protection towards them.

Approve of
the address
voted at
London to
William.

Their an-
swer to his
letter.

xxxviii. Following out the forms of parliament, the president moved for the nomination of a committee similar to that of the articles, to consider and prepare the overtures for settling the government; but the abuses of such a committee were so fresh in the memory of the members, and the subject to be discussed was of such importance, that it was proposed rather to bring it before a meeting of the whole house. After considerable debate, however, it was agreed

* They afterwards proceeded so far as to name commissioners for arranging the terms, but it went no farther.

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XIX.

1689.
Committee
for prepar-
ing over-
tures for
settling the
govern-
ment.

to commit the business in the first instance to a select number, a method certainly the best adapted for managing with promptness and propriety affairs of importance; and on being put to the vote, whether each of the estates should nominate eight, or whether each member of the house should name twenty-four? it was carried that each individual member should bring with him to the next meeting a written list containing the names of eight noblemen, eight barons, and eight burgesses, whom he would wish to compose the committee, omitting the spiritual lords, who were by this act virtually set aside.*

Report the
throne va-
cant.

xxxix. Unembarrassed by any of the verbal subtilties which occupied so much of the attention of the English parliament, the committee did not yet proceed with precipitate haste, nor was it till the 4th of April, the same day on which the estates received king William's reply to their letter, that they produced their report, declaring the throne vacant, and the grounds upon which this declaration was founded; and it bears every external mark of having been long considered and thoroughly digested before it was brought forward. As it is one of the most important of our state papers upon record, I presume no apology will be necessary for inserting it in this history. It corroborates all the statements which have gone before; it gives the stamp of authority to details which might otherwise have been disputed; and it is a lesson to kings, as the indignant declaration of oppressed subjects, justifying an act which can never be resorted to, except in a crisis when the unrestrained tyranny of a prince has raised the whole voice of an exasperated people.

xl. This solemn deed, after being read several times, and

* The names of those who composed this important committee were—The marquis of Athole, the earls of Argyle, Crawford, Sutherland, and Lothian; the viscount of Tarbet, the lords Cardross and Melville. For the barons, the laird of Ormiston, (Cockburn), sir Patrick Home of Polwart, sir William Scott of Harden, the laird of Blair, (William of that ilk,) sir James Montgomerie of Skilmorlie, the laird of Grant, laird of Pitliver, (Dempster,) and Thomas Dunbar of Grange. For the burrows, sir John Hall, sir John Dalrymple, sir Charles Halket, Mr. William Hamilton, James Fletcher, John Anderson, for Glasgow, Robert Smith and John Muir, for Air. The lord president to be supernumerary. The earls of Annandale and Dundonald were afterwards added to the committee in place of the marquis of Athole and viscount Tarbet, during their absence.

after divers amendments, was put to the vote, and approved of, as follows: "King James the Seventh being a profest papist, did assume the regal power, and acted as king, without ever taking the oath required by law; whereby the king, at his access to the government, is obliged to swear to maintain the protestant religion, and to rule the people according to the laudable laws: and did, by the advice of wicked and evil councillors, invade the fundamental constitution of the country, and change it from a legal limited authority to an arbitrary despotic power; and in a public proclamation asserted an absolute power to cause annul and disable all the laws, particularly the laws establishing the protestant religion; and did exercise that power to the subversion of the protestant religion, and to the violation of the laws and liberties of the kingdom,—by erecting public schools and societies of the jesuits; and not only allowing mass to be publicly said, but also converting protestant chapels and churches to public mass-houses, contrair to the express laws against saying and hearing of mass; by allowing popish books to be printed and dispersed, by a gift to a popish printer, designing him printer to his majesty's household, college, and chapel, contrair to the laws; by taking the children of protestant noblemen and gentlemen, sending and keeping them abroad to be bred papists, making great funds and donations to popish schools and colleges abroad, bestowing pensions upon priests, and perverting protestants from religion by offers of places, preferments, and pensions; by disarming protestants, while, at the same time, he employed papists in places of greatest trust, civil and military, such as chancellors, secretaries, privie councillors, and lords of session—thrusting out protestants, to make room for papists, and entrusting the forts and magazines of the kingdoms in their hands; by imposing oaths contrair to law; by giving gifts or grants for exacting money without consent of parliament or convention of estates: by levying or keeping on foot a standing army in time of peace, without consent of parliament, which army did exact locality, free and dry quarters; by employing the officers of the army as judges through the kingdom, and imposing them where there were heritable jurisdiction, by whom many of the lieges were put to death, summarily, without legal trial,

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1689.

The convention approves it.

The report.

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jury, or record ; by using inhumane tortures, without any evidence, and in ordinary crimes ; by imposing exorbitant fines to the value of the parties' estates, exacting extravagant bail, and disposing of fines and forfeitures, before any process or conviction ; by imprisoning persons, without expressing the reason, and delaying to put them to trial ; by causing pursue and forfeit several persons upon stretches of old and obsolete laws, upon frivolous small pretences, upon lame and defective probations, as particularly the late earl of Argyle, to the scandal and reproach of the justice of the nation ; by subverting the right of the royal burghs, the third estate of parliament, imposing upon them not only magistrates, but also the whole town-council and clerks, contrary to their liberties and express charters, without the pretence either of sentence, surrender, or consent, so that the commissions and parliaments being chosen by the magistrates and council, the king might in effect as well nominate that entire estate of parliament—and many of the magistrates put in by him were avowed papists, and the burghs forced to pay letters for imposing these illegal magistrates and council upon them : by sending letters to the chief courts of justice, not only ordering the judges to stop and desist *sine die* to determine causes, but also ordering and commanding them how to proceed in cases depending before them, contrary to the express laws, by changing the nature of the judges' gifts, *ad vitam aut culpam*, and giving them commissions, *ad bene placitum*, to dispose them to compliance with his arbitrary causes, and turning them out of their offices when they did not comply ; and particularly those who in parliament opposed the abrogating of the laws made for the security of the protestant religion—by granting personal protection for civil debts contrary to law, notwithstanding the representation of the civil court in the contrair—the estates of the kingdom of Scotland find and declare, that king James the Seventh being a profest papist did assume the regal power, and acted as king, without ever taking the oath required by law, and hath, by the advice of evil and wicked councillors, invaded the fundamental constitution of this kingdom, and altered it from a legal limited monarchy to an arbitrary despotic power, and hath exercised the same, to the subversion of the protestant religion, and the violation of the laws and liberties of the

nation, inverting all the ends of government;—WHEREBY he hath FOREFAULTED* the right to the crown, and the throne is become VACANT.”

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XLII. The committee for settling the government was afterwards ordered by the estates to bring in an act for settling the crown upon William and Mary, king and queen of England, and “to consider of the terms of the destination of the crown; and likewise to prepare and bring in an instrument of government to be offered with the crown, for securing the people from the grievances which do afflict them.”

Committee
ordered to
prepare the
act of set-
tlement.

XLIII. With equal deliberation the committee proceeded to frame the instrument of government to be presented to the king and queen; but the convention, in the interval, were completely occupied in revising and rectifying the abuses that had been introduced by the late despotism; and of these they considered one of the first the depriving the burghs of the freedom of electing their own magistrates, and adopted as a temporary measure, what, it is greatly to be regretted they did not make a permanent part of the reform introduced into the general system at the revolution; they ordered the new magistrates to be elected by the whole of the burgesses paying burgage, liable to watching and warding within the city:—and to guard against the evils of a popular election, they directed them to give in subscribed lists of the persons whom they desired to fill the respective offices, and such as should be thus elected were declared to be held as lawful, and to continue in office till the first Tuesday after Michaelmas, when a new election was to take place, and they were to return to the former method, and proceed conform to the sett and decret-arbitral pronounced by king James the Sixth.†

Regula-
tions re-
specting
the election
of magis-
trates of
burghs.

* On the question being put, some proposed the word “forleited,” an obsolete word, signifying a bird’s forsaking its nest; but, “forefault” carried.

† The preamble to the bill for electing the magistrates of Edinburgh, and the provisions of the act, which were the same with respect to all the other burghs, deserve especial attention. “The meeting of the estates of the kingdom of Scotland taking into their consideration the great invasions that have been made of late yeares upon the priviledges of the royall burrowes, particularly those of Edinburgh in the election of their magistrates: By recommendations and nominations made by the late king in ane arbitrary and despotick way, contrair to the lawes and liberties of the kingdom, so that the

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1689.

Declaration
of the es-
tates.

XLIII. Upon the return of lord Ross, who brought a reply from king William, containing an offer of additional aid from the north of England, the estates proceeded to consider the claim of right and offer of the crown ; in which, after embodying the reasons for declaring the throne vacant, they enumerate again the grievances as acts contrary to law, and as infringements of the rights of the people ; enlarging them under the name of the Declaration of the Estates of the Kingdom of Scotland, containing the claim of rights, and the offer of the crown to the king and queen of England. The principal of these additions were in the form of demands, viz. “ That prelacy and the superiority of any office in the church above presbyters is, and hath been a great and insupportable grievance and trouble to this nation, and contrary to the inclinations of the generality of the people ever since the reformation, (they having reformed from popery by presbyters) and therefore ought to be abolished :—that it is the right and privilege of the subjects to petition the king, and that all imprisonments or prosecution for such petitioning are contrary to law :—that it is the right and privilege of the subjects to protest for remeid of law to the king and parliament against sentences pronounced by the

present magistrates and council of the said burgh are not their true magistrates and council by them freely elected : But plainly such as have been (at least by progress) imposed by the foresaid court methods and practices, and the meeting of the estates considering that the constitutiones, liberties, and priviledges of the said burgh being so farr violat and perverted, the only naturall and just way to restore the same is to allow and authorize the incorporation itself and wholl members thereof, to whom the aforesaid liberties and priviledges were originally granted, to make a new choice : Therefore the said estates do hereby authorize and require sir Jas. Rothead and Mr. Eneas M'Leod, present town-clerks of Edinburghe, to convey the whole burgesses who hes born and does bear burdgage dewtie, and are liable to watching and warding within the city, (secluding from this number all honorary burgesses, with the toune servants, pensioners, beedmen, and the like,) to meet upon Wednesday next, at eight o'clock in the morning, in St. Giles's church, with continuation of days, to the effect that the saids burgesses and each of them may give in their subt. lists of twenty-four persons to be the magistrates and ordinary council of the said burgh, according as the plurality of votes shall determine, and that they give in their burgess tickets to the clerks tymeously, that they may be enrolled before the dyet of electione.” It is curious to observe that Montrose stands very conspicuously forward in opposing the abuses of the burgh system, and gained their point before the Scottish parliament.

lords of session, provided the samen do not stop the execution of these sentences :—that for redress of all grievances, and for the mending, strengthening, and preserving of the laws, parliaments ought to be frequently called and allowed to sit, and the freedom of speech and debate secured to the members. And,” in conclusion, “ they doe claim, demand, and insist upon all and sundry the premises as their undoubted right and liberties, and that no declarations, doings, or proceedings, to the prejudice of the people, in any of the said premises ought in anyways to be drawn hereafter in consequence or example, but that all forefaulters, fynes, loss of office, imprisonments, banishments, pursuits, prosecutions, tortures, and rigorous executions be considered, and the parties leased be redeemed.”

XLIV. Subjoined to this was the offer of the crown to king William and queen Mary, during their lives, and the longest liver of them, with the sole exercise of the regal power to be in the king, during their joint lives ; after their decease to descend to the heirs of the body of the queen, which failing, to the princess Anne of Denmark, and heirs of her body ; after whom, the children of the king by any other marriage. The whole complication of contradictory oaths and declarations were abolished, and the protestants were only required to take the following simple and sufficiently comprehensive oath of allegiance : “ I, A, B, do sincerely promise and swear that I will be faithful, and bear true allegiance to their majesties king William and queen Mary, so help me God.”

Offer of the
crown to
William
and Mary.

XLV. The king and queen were immediately proclaimed with great pomp and ceremony, amid the loudest acclamations, at the cross of Edinburgh, April 11, 1689, the same day on which they were crowned at Westminster ; and the earl

They are
proclaim-
ed.

of Argyle, sir James Montgomery, and sir John Dalrymple, one of each estate, were appointed to repair to London, to inform their majesties of their proceedings, and to convey to them the instrument of government ; and also to represent a number of other grievances which they requested to be remedied by parliament :—the committee of the lords of articles ; assizes of error ; forfeitures in prejudice of vassals, creditors, and heirs of entail ; the commissary courts as

The deed of
settlement,
and national
grievances
transmitted
to them.

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1689.

then constituted ; a standing army in time of peace ; all grievances respecting the manner and proportion of the lieges' representation in parliament, and those connected with the burghs. They carried also with them an address to his majesty to turn the convention into a parliament ; and to enable them to appear in proper style, they were handsomely allowed, the earl L.300 sterling, to defray the expenses of his journey, and the others the sum of L.200 each.

Commis-
sioners pre-
sented to
the king
and queen.

XLVI. The commissioners, attended by all the Scottish nobility and gentlemen of rank then in London—who, by order of the estates, accompanied them—were received in the Banqueting house, Whitehall, by the king and queen, upon their thrones, under a rich canopy of state ; and the earl of Argyle, in presenting the communication, expressed himself, when deploring the condition of Scotland, in a manner which, had it come from his ancestors, had been consistent, but from their versatile representative, can scarcely be read without a smile. “It cannot be unknown to your majesty,” said he, “in how sad and deplorable a condition the kingdom of Scotland was not many months ago :—the liberty and property of the subject quite destroyed, our religion exposed and laid open to be ruined, by the treachery of our clergy, as well as by the compliance of our rulers ! and so far had their popish and arbitrary designs succeeded, that we were well nigh past all hopes of recovery, when it pleased God to raise up your majesty to be the glorious instrument of retrieving our religion, liberty, and property from the brink of ruin. It is from the grateful and dutiful sense of this unexpected delivery, as from the respect due to the blood of their ancient monarchs, that the estates of Scotland have commissioned us to make an humble tender to your majesty and your royal consort, of that crown and kingdom, with the firm persuasion of this rooted in their hearts, that the care of their religion, liberty, and property could nowhere be so well lodged as in the hands of your majesties.”

Argyle's
address.

XLVII. Their credentials from the estates, authorizing them to present the offer of the crown and claim of rights, and to administer the coronation oath, were then produced ; and

after all these papers had been read, the king addressed them briefly : He said, “ that in his expedition he had had a particular regard for Scotland, and had emitted a declaration for that kingdom, as well as England, which he would make effectual to them :—that he took it kindly that Scotland had expressed so much confidence in him ; and should testify his sense of it by promoting every thing that conduced to the interest of that kingdom, would readily concur in every measure to redress their grievances, and prevent their return.”

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1689.

The king's
reply.

XLVIII. When the king had finished, the coronation oath was tendered to their majesties, who held up their right hands, and repeated, with grave solemnity, the sacred obligation that completed the compact between the sovereigns and the people. “ We, William and Mary, king and queen of Scotland, faithfully promise and swear by this our solemn oath, in presence of the eternal God, that during the whole course of our lives we will serve the same eternal God to the uttermost of our power, according as he has required in his most holy word revealed, and contained in the Old and New Testaments, and according to the same word shall maintain the true religion of Christ Jesus, the preaching of his Holy Word, and the due and right ministration of the sacraments now received and preached within the realm of Scotland ; and shall abolish and gainstand all false religion contrary to the same, and shall rule the people committed to our charge according to the will and command of God revealed in his above said word, and according to the loveable laws and constitutions received in this realm no ways repugnant to the said word of the eternal God ; and shall procure, to the utmost of our power, to the kirk of God and whole christian people true and perfect peace in all time coming :—that we shall preserve and keep inviolated the rights and rents, with all just privileges of the crown of Scotland, neither shall we transfer nor alienate the same :—that we shall forbid and repress, in all estates and degrees, reif, oppression, and all kinds of wrong :—and we shall command and procure that justice and equity, in all judgments, be kepted to all persons without exception, as the Lord and father of all mercies shall be merciful to us :—and

The coro-
nation oath.

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we shall be careful to root out all heretics and enemies to the true worship of God, that shall be convicted by the true kirk of God of the aforesaid crimes, out of our lands and empire of Scotland. And we faithfully affirm the things above written by our solemn oath."

William's
scruples re-
moved.

XLIX. Argyle read the oath; but when he came to the last clause, the king stopped him and declared that he would not bind himself to become a persecutor, nor would he repeat the words till assured that neither the meaning of the vow, nor the law of Scotland, imposed any such obligation. "Then," replied the monarch, "in that sense alone I take it;" and his conscientious scruples were respected even by those who could not readily perceive how the construction of the sentence admitted of such a latitudinarian interpretation.*

Measures
of the con-
vention for
securing
the peace
of the
country.

L. In the interim the convention, who exercised the government, continued to adopt the most prompt and energetic measures for the preservation of the peace of the country. All suspected persons, entering or leaving the country, were ordered to be arrested; a diligent search was directed to be made for horses and arms, and for seizing such as were in the hands of suspected persons, and the militia in the different counties to be regularly trained. The town of Edinburgh was required to furnish carriages to Mackay with the means of transport for his troops; the marquis of Douglas was requested to give what part of his cannon at Leith he could spare to the general; and the earl of Mar to give requisite supplies of ammunition from Stirling Castle—a quantity of which was, at the same time, sent to Inverness—and a commission granted to earl Marischal to put Dunotter in a state of defence. An embargo was laid upon all the shipping on the west coast, a garrison was placed in the Isle of Arran, and every means adopted to secure that quarter from an invasion, which they had reason to dread from Ireland. As an additional security, they, at the request of the protestants of the province of Ulster,

Ammuni-
tion sent to
the protes-
tants in
Ulster.

* Scottish Acts, vol. ix. History of the Revolution in Scotland, p. 64, et seq. Balcarras, M'Pherson, vol. i. Minutes of Society, 1688.

sent a supply of ammunition to Londonderry—then expecting a siege—though they were under the necessity of importing from the continent, being deficient themselves.

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LI. When too late, James's adherents perceived the fatal error they had committed in leaving the convention; they discovered that they had irretrievably lost, by dispersing, that power of annoying their opponents and embarrassing their councils which they possessed while they formed a strong party in the house; as, excepting in the highland districts, the entire population was adverse to his cause. Some feeble attempts of the episcopalian clergy, to excite sentiments of pity to the late monarch, only tended to exhibit its utter hopelessness: an act of convention, forbidding prayer to be made for him as king, under penalty of deprivation, was violated by a few, who chose rather to give up their livings than comply; but the number was extremely small, and they met with little sympathy. What tended, however, entirely to dissipate any feeling of tenderness that might have been indulged for the fallen monarch, was the detection of the correspondence between James and his friends. He had landed in Ireland early in March, whence he had forwarded despatches for Balcarras, by a messenger—one Braddy—informing him that he had a force of five thousand foot and three hundred horse ready to transport into Scotland, and desiring him to make no movement till they arrived. This courier, who had communicated his errand to one of the agents of the other party, sent on purpose to watch over the intercourse, was seized and examined. Through terror, folly, or treachery, having disclosed all he knew, the letters were found in a false bottom of his "waleese," [portmanteau] but being undirected, they would have been of little consequence, had he not, at the same time, furnished a key to the correspondents.*

Error of
James's
party.

He lands
in Ireland.

His letters
to Balcarras, &c.
seized.

LII. These despatches were accompanied by letters from Melfort, repeating the assurances of speedy relief, but expressing at the same time his regret that some persons

* The authority of these letters was denied; but Balcarras, in his memorial to the king himself, admits and laments them, which places the fact of their authorship beyond dispute.

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Published.

Warrant
for apprehending
Balcarras
and Dundee—the
latter escapes.Reflec-
tions.

whom he does not name, had not been cut off, for then the situation of the country would have been different; and anticipating success, vowed revenge; “in which event,” said he, “when we get into power again, such should be hewers of wood and drawers of water.” These expressions, which all who were acquainted with Melfort knew well would not be mere idle threats, if ever he regained any influence, were applied by the duke of Hamilton to himself and his friends; and the letters, after being read in the convention, were printed and dispersed both in Scotland and England, where they produced the most ruinous effects on the prospects of James; as they frankly announced his determination to re-establish on his return the same system of oppressive cruelty from which the kingdom had so lately escaped. A warrant was immediately issued for the apprehension of Balcarras and Dundee, and the execution intrusted to Mackay; but the former only was caught, the latter fled to the mountains of the north, to make one effort more on behalf of the expiring tyranny.

LIII. Every step taken by the shattered remnants of the old government was precipitate and without concert; and although the proceedings of the new were not remarkably distinguished by any very keen political sagacity, and the discordant materials of which their boards were necessarily composed, not unfrequently thwarted what had been ably contrived—yet the hatred of the country to their late rulers, combined with a fortunate or rather a providential concurrence of circumstances, enabled them to weather a storm in which abler pilots might have sunk. The premature declaration of Dundee—the irresolution of Athole, and the discovery of the secret correspondence with James, all combined to strengthen the new order of things they were intended to overturn; for, had not the obstinate haughtiness of Grahame awakened the fears and hastened the preparations of the others before he himself was prepared—had the other events not concurred to knit together the new government before their lurking discontents and disappointments had got time to break out—had they not operated on their fears, and called them into action before their jealousies had got time to ripen, it is difficult to say how different the issue might have been.

LIV. The two Scottish revolutions were, however, remarkable for decision in council, even when deficient in military talent in the field; and on the present occasion the convention, having promptly delegated their powers to a select committee of the states, with instructions to call them together upon any "emergent," adjourned for a month, that the members in their different counties might organize the forces and collect the means of supporting them. Claverhouse was evidently taken by surprise,* nor were the highlanders

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Convention
adjourns.

* The following letter plainly shows this fact, and at the same time corroborates the supposition that the assassination story was merely intended to answer a purpose. The statement in the letter is exactly what is alleged in a former note.

For his Grace the Duke of Hamilton.

Dudhop, March 27, 1689.

May it please your Grace,

The coming of an herald and trumpeter to summon a man to lay down arms, that is living in peace at home, seems to me a very extraordinary thing, and, I suppose, will do so to all that hears of it. While I attended the convention at Edinburgh, I complained often of many people's being in arms without authority, which was notoriously known to be true, even the wild hill men; and, no summons to lay down arms under the pain of treason being given them, I thought it unsafe for me to remain longer among them. And because some few of my friends did me the favour to convey me out of the reach of these murderers, and that my lord Levingston and several other officers took occasion to come away at the same time, this must be called being in arms. We did not exceed the number allowed by the meeting of estates: my lord Levingston and I might have had each of us ten; and four or five officers that were in company might have had a certain number allowed them; which being, it will be found we exceeded not. I am sure it is far short of the number my lord Lorne was seen to march with. And, though I had gone away with some more than ordinary, who can blame me, when designs of murdering me was made appear? Besides, it is known to every body, that, before we came within sixteen miles of this, my lord Levingston went off to his brother, my lord Strathmoir's house; and most of the officers and several of the company went to their respective homes or relations; and, if any of them did me the favour to come along with me, must that be called being in arms? Sure when your Grace represents this to the meeting of states, they will discharge such a groundless pursuit, and think my appearance before them unnecessary. Besides, though it were necessary for me to go and attend the meeting, I cannot come with freedom and safety, because I am informed there are men of war and foreign troops in the passage; and till I know what they are, and what are their orders, the meeting cannot blame me for not coming. Then, my lord, seeing the summons has proceeded on a groundless story, I hope the meeting of states will think it unreasonable I should leave my wife in the condition she is in. If there be any body that, notwithstanding of all that is said, think I ought to appear, I beg the favour of a delay till my wife is

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Proceed-
ings of
Dundee in
the north.He sur-
prises the
laird of
Blair.

prepared to make a simultaneous effort; the Gordons were without their chief; and when he (Grahame) reached Inverness his first office was to negotiate. The Macdonalds of Keppoch had invested that town, in which were both arms and ammunition, and he only preserved the place and the stores, by personally becoming bound for the ransom; the Macdonalds were easily prevailed upon to enlist under his banner, but as readily deserted whenever they obtained as much plunder as it became an object to secure. Mackay pursued with a numerous cavalry through the level country, and the viscount sought the fastnesses, for, although joined by the earl of Dunfermline with his troop, he dared not venture from among the hills; and as his men melted away, after appointing a general rendezvous in Lochaber, in order to give eclat to his enterprize and commence action, in which alone was his safety, he determined to make a dash with the few horse he had, upon some of the unsuspecting districts of the country. Accordingly, by a rapid gallop through the mountains with about seventy horse, he came suddenly upon Perth, where he dispersed the laird of Blair's newly raised militia troop, took himself and the officers prisoners, whom he sent to Stobhall, the seat of the earl of Perth, and after a vain attempt upon Dundee, retired again north through Angus, in expectation of surprising lord Rollo, who was there raising a force.

Lv. Apprised of the misfortune of Blair, while the enemy were retarded by fatigue, Rollo withdrew to a place of safety, and Dundee returned to the appointed rendezvous in Lochaber, when Lochiel, Glengary, and the friendly clans, estimated at two thousand men, collected within a few days.

brought to bed; and, in the meantime, I will either give security or paroll not to disturb the peace. Seeing this pursuit is so groundless, and so reasonable things offered, and the meeting composed of prudent men and men of honour, and your grace presiding in it, I have no reason to fear farther trouble.

I am,

May it please your Grace, your most humble servant,

DUNDIE.

I beg your grace will cause read this to the meeting, because it is all the defence I have made. I sent another to your grace from Dumblein, with the reasons of my leaving Edinburgh. I know not if it be come to your hands.

Mackay had formed the plan of surrounding his opponent, and had directed colonel Ramsay with a detachment of twelve hundred men, to march through Athole; but Dundee, having intercepted two of his expresses, on learning their route determined to attack the colonel, before he could reach his point of destination. With a celerity for which his highland troops were admirably adapted, he instantly advanced; but Ramsay, on being apprised of his motions, and aware of his superiority, blew up his useless baggage, and retired with equal rapidity.

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LVI. Mackay, whose strength consisted in horse, being thus disappointed in his reinforcements, was under the necessity of remaining in the plains, where the highlanders, who dreaded cavalry, were afraid to attack. Dundee, who wished to entangle him among the hills, or force him to engage on unequal terms, invested Ruthven Castle in Badenoch, which, being feebly garrisoned, surrendered almost upon the first summons, and, as an example, was burned to the ground. Meanwhile Mackay's exertions were paralysed by the state of his troops, the best disciplined of whom were the least to be depended on, as his adversary had emissaries among them, and they had the natural antipathy of native soldiers at fighting against the king they had once served. Dunmore's regiment of dragoons secretly sent an offer of their swords to Dundee, expressing their detestation at drawing them for the prince of Orange; and he, encouraged by the assurance of revolt, advanced to attack his opponent, and give them an opportunity of joining his force.

Takes and
burns
Ruthven
castle.

State of
Mackay's
troops.

LVII. A message from captain Forbes, who had been taken at Ruthven, informed Mackay of his danger; and, when Dundee expected to have annihilated his enemy, he found his camp deserted, and that he had gained a whole night's distance upon him. He then, by a forced march through Glenlivet and Strathdon, endeavoured to intercept the general on his return to the low country, but again Mackay's intelligence enabled him to outmanœuvre the viscount; he gained another night's march, and when day broke on the third day, he was beyond his reach on a level that prevented the completion of the treachery. Exasperated at his disappointment, Dundee led his wearied soldiers to the parks

He out-
manœuvres
Dundee;

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Who dis-
bands his
forces.

of Gordon of Dunglassie, where he allowed them to riot on the plunder, and refresh themselves after their fruitless toil. The return of Mackay with reinforcements on which he could better depend, obliged him to retrace his steps; but his followers, loaden with plunder, were incapable of being retained, and, on his reaching the wilds of Lochaber, he dismissed the remnant desertion had left him, and remained inactive waiting the promised aid from Ireland.* While here he received intelligence that the castle of Edinburgh had surrendered, and the duke of Gordon and his clan were lost to king James.†

* During this retreat, an incident occurred that tended to increase the confidence of the highlander on his sword. A party of two hundred of the Macleans, on their route to join Dundee, were overtaken by a superior band of English dragoons, which, as soon as they perceived, they threw away their plaids and made for the hills, where they halted and drew up. The commander of the troops, finding he could not get at them on horseback, ordered his men to dismount and attack, but no sooner did the highlanders perceive them alight than they rushed upon them sword in hand, killed fourteen and a captain, put the rest to flight, and then proceeded on their destination.—Balcar-
ras.

† In my statements I am borne out by the correspondence of Dundee himself. Nor can I help remarking that, like the rest of the cavaliers, whatever affectation of gallantry he may have had for women, he had no real respect for the sex. One of the last things a man of honour would meddle with is a woman's devotion; yet I see him, the "gallant Grahame," exulting in having destroyed what female piety had established,—so finished, says he, "the charity of many ladies." Had they been Roman catholic chapels, we should have had him or his editor wailing over the sacrilege—but protestant places of worship claim no reverence.

"By the last information sent by Mr. M'Swine, account was given how the viscount of Dundee parted from Edinburgh; how he stayed at his own house for above a fortnight after, guarded by a party of fifty horse; and how, after a party of the Scotch dragoons came over to Dundee, with a party of Mackay's foot, he marched towards Inverness, encouraging all persons to stand out, letting them see by his example there was no danger in it. The account was also given how he went through Murray, and was come back to Castle Gordon, when M'Swine was dispatched. After which he marched to the cairn of Mounth, designing to go near Dundee, encouraged by the promises the Scotch dragoons had sent him, that they would declare for the king; but, by the way having intercepted a messenger of the master of Forbes returning from Edinburgh, found, by Mackay's letters, that he was to be at Dundee that night, with 200 foot, and a regiment of English horse; and they, with the dragoons and the foot that came there before, were to pursue him wherever he went. The lord viscount waited at the cairn of Mounth till Mackay was within eight miles, and then marched back towards Castle Gordon, (where the earl of Dunferm-

LVIII. At the time Dundee parted from his grace at the postern gate, the castle was only guarded by the Cameronians on what were esteemed its accessible quarters, but the duke having after that interview, in a letter to the convention, de-

line, with forty or fifty gentlemen, joined him,) and from thence through Murray to Inverness, where he found the laird of Keppoch at the head of 700 men, the most part volunteers. They plundered M'Intosh's lands and the neighbourhood; which M'Intosh in a manner deserved, because the viscount had written twice to him to declare for the king, and had got no return. The laird of Kilravock, with 300 men, was on one side of Keppoch, and the town of Inverness in arms on the other. The viscount sent to Kilravock to know his design. He professed loyalty, and so was allowed to guard his country. The magistrates of Inverness came, and informed him that Keppoch had forced them to promise him 4000 merks. My lord Dundee told them that Keppoch had no warrant from him to be in arms, much less to plunder, but that necessity had forced him out; and told he would give his bond that, at the king's return (since they had not yet declared the prince of Orange king,) they should have their money repaid them. After which he desired Keppoch to march his men with him, and he would go and engage Mackay. But the men, partly the Camerons, said they could not without consent of their master; but the truth was, they were loaded with spoil, and neither they nor their leader had anything else in head; so they went home, plundering on the way.

"The viscount marched to Glengairie, and so into Badenoch, where considering the season was advanced towards the 8th of May, and the grass begun to appear, and having found the disposition of the low countries for the king, and received letters from most of the chiefs of clans of their readiness, and being informed of the substance of brevets, letters, and commissions, and finding that Mackay was endeavouring to raise highlanders and others, for to ruin and suppress the king's faithful subjects, before the estate of his affairs in Ireland would allow him to come to their relief, the said viscount resolved to appoint a general rendezvous, which accordingly he did, to be the 18th of May, in Lochaber, and acquainted all chiefs of clans; and, in the meantime, Mackay being at Inverness, he took occasion to slip down through Athol to St. Johnston, where he surprised the laird of Blair, seized him, his lieutenant Pogue of that ilk, trumpet, standard, and all the troopers that were in the town, with two lieutenants of Mackay's, and two or three officers of the new levies, most of which are sent to an island of the M'Leans, which is said to be like the Bass. After which he went to Dundee, thinking to gain the two troops of Scotch dragoons; but could not prevail, because of captain Balfour, who commanded them; yet he forced them to leave Dundee, but could do no more, because the town was in rebellion, and the streets barricaded. He caused seize the drums and baggage of the laird of Drum, and others of the earl of Mar's officers, and chased the lieutenant-colonel, and might have seized whole companies, but was not at the pains; yet frightened and scattered them, so that they have not been heard of since. After which, having seized L.300 of cess and excise, the lord viscount took his march through Athol and Rannoch, up to Lochaber, to keep the dyet of the rendezvous. Glengairie kept the day punc-

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clared his determination "to adhere to the fortunes of king James, from whose ancestors his own had received so many signal marks of kindness, and proposed to visit his majesty in Ireland, who he hoped to see quickly reinstated in all his

tually with between two and three hundred men, (who on all occasions shows himself to be a man of honour, sense, and integrity.) Next came a very honest gentleman, the laird of Morer, commanding all the captain of clan Ronald's men on the main land, near two hundred. Next came Appin and Glenco, towards two hundred. Sir Donald M'Donald was expected, but was not ready, M'Lean gave account that he was just coming; and, after having made the viscount stay six days, sir Alexander M'Lean, hearing his friends were in difficulties, sailed away to Kintyre, with his men and an hundred of M'Leans. At the same time M'Lean fell sick. Lochiel came with 600 men, Keppoch with 200, with which the viscount marched into Badenoch in haste, hearing that colonel Ramsay was coming that way, with 700 foot, to join Mackay at Inverness; and, accordingly, Ramsay, having marched from Edinburgh to St. Johnston, and near 40 miles up towards Ruthven in Badenoch, but, upon different news of my lord Dundee's coming, went back and fore in the hall a whole night. In the end, he went back in great confusion to St. Johnston. Several of his men deserted. The Athol men got together; and, by the prudence of the gentry, with great difficulty were hindered from falling on them. Ramsay posted to Edinburgh, and got commission of fire and sword against Athol. About this time account was brought to Dundee, that Mackay was within four miles of him, with great numbers of highlanders, Grant's men, M'Intosh's, Balnagown's, Rae's, Strathnaver's, and Monroe's, besides the standing troops. On which, he caused draw out all the men, and bid them be gaining towards a very strong ground, and sent out a party immediately to view the enemy, following it himself; having left orders with Lochiel, that the body should not go above half a mile back. However, when he returned, he understood that Mackay had almost no highlanders, and was not there to fight, but to meet Ramsay. He found that all the troops had marched four miles back. However, he made all haste to march to engage Mackay; but, before he could come to the place, Mackay was so far gone that he could not be overtaken; and, being informed there that sir Donald and M'Lean were yet to join, thought fit to wait, and, in the meantime, blockt up the castle of Ruthven, where Mackay had put 50 of Grant's men in garrison. After some days, the castle, wanting provisions, surrendered; which being burnt, and last hope of M'Lean, and fear of Ramsay, my lord resolved to engage Mackay. But, so soon as he heard of the march towards him, he dislodged in the night. The viscount pursued him four days, and, by an unexpected way came in sight of him an hour before the sun set, and pursued them so close that parties of the highlanders were within shot of the rear-guard, close to the main body, and dark night came on; save which, nothing could have saved them in all human probability. The ground was dangerous and the march had been long; so that the viscount thought not fit to follow further, being within three miles of Strathbogy, a plain country, where the horse and dragoons had too much advantage of the highlanders. The next morning, hearing Mackay had marched ten miles before he halted, the viscount

full hereditary rights, as he trusted Scotland would soon assert the just prerogative of the crown ;” and in the evening testified his delight at the king’s arrival in Ireland by every demonstration of joy—bonfires in the square, and three

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lay still all that day. But, being after informed that sir James Lesly, with his regiment of foot and another regiment of dragoons, had joined Mackay, and the officers of the Scotch dragoons having sent to acquaint the viscount, that there was very bad news come of the duke of Berwick’s being prisoner, and of a party’s being beat back that had endeavoured to land in Scotland, and that they were so surrounded with English horse and dragoons, that if there was any engagement they could not shun to fight, and therefore begged that he would go out of the way for a time, till better news should come : on all which the viscount thought fit to return to Badenoch. Most of my lord Dunfermling’s people, save himself (who continued still very fixed) and the duke of Gordon’s horsemen, being wearied and near their own houses, went home without leave ; the highlanders, thinking themselves masters, grew very disorderly, and plundered, without distinction, wherever they came. The viscount fell sick, which gave boldness to the disorderly, and disheartened others. The first day he marched back, he made a long march. Mackay sent a party of horse, who seized some of the duke of Gordon’s gentlemen that went off, and some of the plundering stragglers ; but never came in sight of the rear guard. The next two days, the viscount did not march six miles in all ; and Mackay’s foot came not within ten miles of his ; but, in the evening of the last day he sent up a party of 200 horse and dragoons, who, led on by Grant, were brought upon a party of the M’Leans scattered a mile asunder seeking meal. The horse came up upon them at full gallop. Having got some advertisement, about one hundred of them got together ; and finding themselves on a plain, they ran near half a mile, till they gained the foot of a hill, where they stood and fired upon the enemy, who, in the disorder having killed two or three, and seized their baggage, thought they had nothing to do but to knock them all down ; so got above them and surrounded them, which the M’Leans perceiving, threw by their guns, drew their swords, attacked the enemy boldly, killed the English officers that commanded and eleven more, wounded many, and forced the rest to retire. Night being then come, the scattered M’Leans joined the rest. My lord Dundee marching towards them the next morning early, met Lochbuy and all his party, who had not lost above four of his men, and the baggage and two old men and boys who were with it. Then the lord Dundee marched to Ruthven in Badenoch, where he learned that Ramsay had come back with eleven hundred foot, and one hundred horse had passed to Inverness ; that my lord Murray had come up to Athol, had brought these men together, and saw Ramsay safe through. The next day the viscount was further informed that Ramsay and Mackay were joined and marching towards him, and that there was come to St. Johnston my lord Angus’s regiment and other new troops, and to Dumblain more of that kind, was resolved to go to Rannoch and strong ground near the low countries, but finding that the Lochaber men were going away every night by fortys and fiftys, with droves of cattle, and finding all the rest loaden with plunder of Grant’s land and others, would needs go home, gave way to it and came into

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Castle of
Edinburgh
closely be-
sieged.

rounds of cannon from the ramparts. The place was more strictly invested by general Mackay, and the garrison were informed that every preparation was going forward for a regular siege.* The besiegers made their approaches on the south and north-west sides, at a place then known as the Castle of Collops, where was a battery of two eighteen pounders, and at the Coats House, which they also similarly fortified. To these formidable lines the garrison opposed equal means of annoyance, nine brass, and a few more iron cannon, chiefly twenty-four, eighteen, and twelve pounders.†

Lochaber with them—dispersed them all to their respective houses, with orders to be ready within a few days if the enemy pursued, if not, to lay still till farther orders; and, in the mean time, sent advertisement to M'Lean, sir Donald, the captain of Clan-Ranald, and M'Leod, to make ready against the rendezvous, who had not yet come forth. It is believed Mackay was very glad of the occasion, his horse being extremely wearied, and so retired to Inverness, where, on suspicion of correspondence, he seized eight officers of the Scotch dragoons, and sent them prisoners to Edinburgh with a guard of three hundred English horse. The rest of the horse and dragoons are quartered in the adjacent places for conveniency of grass. Ramsay with seven hundred foot, is sent to Elgin, who summoned Gordon castle to surrender; upon which, Mr. Dumbar, and those that were with him, immediately deserted the place. There were several hundred bolls of meal there, as well as at Strathbogie. Mackay, in the mean time is causing seize all the meal in the low countries, and gives it to the soldiers landladies, instead of ready money, for it is believed they have not got great abundance of it. My lord Dundee hath continued in Lochaber, guarded only by two hundred, commanded by sir Alexander M'Lean; but being in the heart of Glengairry and Lochiel's lands, he thinks himself secure enough, though he had not, as he has, the captain of Clan-Ranald with six hundred men within ten miles of him, and M'Lean, sir Donald, and M'Leod, marching towards him; so that he can march with near four thousand, or refresh in safety till such time as the state of the affairs of Ireland may allow the king to send forces to his relief; which, if it please God shall fall out, there is all appearance of forming a considerable army, notwithstanding that the people are a little disheartened by the unexpected surrender of the castle of Edinburgh, which is said was only by despair the duke had of any relief, though he wanted not from my lord Dundee, by a third hand, all the encouragement he could give."

* Balcarras—Acts of the Scottish Parl. vol. ix. p. 56, *et seq.* Hist. of the Revol. in Scot. Memoirs of Dundee.

† The duke is said to have given the heralds who came to summon him to surrender, a few guineas to drink, and facetiously told them, "that when they came to proclaim him a traitor with his king's coats upon their backs, they might at least have turned them."—Gordon's Hist. of the Gordons, vol. ii. p. 593.

LIX. As it was known that the castle was very slenderly provisioned, the estates most probably intended to have depended upon reducing it by a famine, till affairs in the north beginning to assume a very serious aspect, Mackay left the conduct of the siege to major-general sir John Lanier and colonel Balfour, and more vigorous measures were resorted to. The north loch was drained, a new battery erected at Multries hill, and a formidable mortar one at the west angle of the town-wall. Upon the 19th of May, the works being completed, the besiegers began at 10 o'clock at night to play upon the castle. At first the bombs went over their heads, or fell short of the mark, and were answered by a cannonade nearly about as well directed. The bombardment continued at intervals till the 26th, when many of the bombs having taken effect, and the garrison being under the necessity of retiring to the vaults, the duke ordered a parley to be beat, but the convention now refused to listen to any terms. Next day a bomb demolished the roof of the record-office; the duke informed them of the accident, and requested at least that the records might be allowed to be removed: they, however, suspecting this was only to gain time, refused to comply. In order to keep alive the spirit of the garrison, the anniversary of the restoration was celebrated with bonfires and squibs on the day following; but the historian of the house of Gordon observes, "The besieged was obliged to drink the king, queen, and prince's health in mortifying liquor;" and from this time desertions were frequent. The governor, who now had received disheartening intelligence from Ireland, and began to despair of the long-protracted relief, at changing guard, addressed his soldiers, and assured them, if not very speedily succoured, he would capitulate, and would ask for himself no better terms than he could procure for them.

Conven-
tion refuse
to grant
Gordon
terms.

LX. Gordon had till this date correspondents in the city, through whom his courage had been supported by the most flattering assurances from the north; but the convention having, by means of some of the deserters, been informed of their names, ordered them to be arrested;* and,

* Intelligence was also received from soldiers who were taken, together with two women, in attempting to force their way through the lines, "the men hav-

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He surren-
ders at
discretion.

to prevent further communication, carried a trench from the corn fields beyond the West Kirk to the north side of the Castle Hill, and for several days a pretty smart fire was kept up upon the garrison. At length the besieged, reduced to the greatest extremity by desertion and want, demanded to surrender; and the duke, who was in the greatest perplexity, consented to accede, if he could only obtain assurance that there was no prospect of getting relief. To procure this, a sentinel was lowered down the precipitous rock on the south-west side, with instructions to make inquiry, and inform them by signal whether assistance were to be expected. On June the 7th, the appointed signal announced that there was no hope, and the white flag was immediately hung out. The governor, endeavouring to obtain terms, demanded hostages till the treaty was concluded. To this duke Hamilton refused to accede, and hostilities recommenced. They continued till the 14th, when Gordon threw himself entirely on the mercy of king William. The garrison were allowed to march out with the honours of war, and such of them as would take the oaths

ing their muskets cockt, and well charged with a brace of bullets; about the women were taken a packet of letters, and many keys, particularly the keys of the outer gate of the castle, and the key of the postern gate. This seasonable discovery was of great importance, for thereby the council came to understand who they were that were most deeply concerned in the designs on foot for overturning the government, and the methods and instruments they made use of to bring it to pass. Among the rest, it was found out that many belonging to the law were concerned, and several of the ministers that refused to pray for the king and queen. Among the ladies, the dowager countess of Errol was seized, and brought to Edinburgh upon this occasion. A messenger going in disguise like a beggar to viscount Stormont's house, with a bag of meal upon his shoulders, after he had passed several of the sentinels, was at last stopped by one, who, putting his hand into the bag among the meal, found several letters, and the sum of fifteen pounds sterling in gold. The letters discovered the correspondent, and her orders for the distribution of the gold among Dundee's officers; so the lady and gold were sent up to the council, who committed the lady to prison, and distributed the gold among king William's soldiers." *Hist. Revol.* p. 139. A lady, grand-daughter of the bishop of Galloway, is said to have invented a telegraphic mode of communicating with the besieged. She inhabited the upper flat of one of the houses on the castle hill, and whatever intelligence she wished to communicate, she wrote in large characters on a board which she exposed at her window, and the duke, with the aid of a telescope, easily read it from the castle walls. *Grose's Antiq.*

to the then present government were to have passes to retire where they chose.*

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LXI. Agreeably to the desire of the Scottish convention, William, when he had accepted the crown, directed that the same members should form his first parliament, who having met to receive his majesty's communication, adjourned at his desire, to reassemble in their new character on the 5th of June. Matters of form in established governments are serious things, and deservedly so. Without some regular mode of procedure, there must be confusion and delay at every step ; but in exigencies, such as great revolutions produce, precedents are created rather than followed. In the present instance, the legality, or the right of the king and convention to give and receive powers reciprocally from each other, authorizing themselves to act in new capacities and under new names, gave rise to considerable discussion ; but the question is unimportant—they had the power, and they exercised it, and the necessity of the case justified the measure. The government had been disorganized, and the north was in a state of warfare. To have proceeded to new elections for commissioners for counties and burghs, would have been inconvenient in some cases, and impracticable in others ; nor was it any great extension of power to commit the complete settlement of the kingdom to those who had so successfully commenced it. Probably it might not be so easy to justify their retaining their seats during the whole of William's reign ; but it is difficult to reduce theoretical perfection into practical operation, even in the representative system, while these bodies must necessarily contain such a proportion of selfish, presumptuous, and positive members, and so long as we can calculate so little upon the force of right reasoning, or right principle, in popular assemblies. The awful experiment of intrusting a revolutionary government into raw hands was tremendously exemplified in France ; but of the two extremes, it is difficult to say which is the most dangerous. Perhaps the medium which the elder whigs introduced, and their successors altered, triennial par-

Convention
constituted
a parlia-
ment.

* Gordon's Hist. of the House of Gordon, vol. ii. p. 505, *et seq.* Hist. Revol. p. 137, *et seq.* Scottish Acts, v. ix.

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State of
parties.Carstairs
appointed
chaplain.

liaments, may unite the advantages of both without the disadvantages of either.

LXII. A more difficult task remained to arrange the new government, the claimants were so numerous, and the places so inadequate. William being but imperfectly acquainted with the real state of parties in Scotland, and not exclusively attached to any form of church government, would have consented, had it been practical, to have shared the public offices indiscriminately among episcopalians and presbyterians; but the former, allured by the promises of Dundee, had almost to a man seceded from revolution politics, and relapsed into their most blinded attachment towards a king they had partially assisted to dethrone, and by renovated zeal were attempting to expiate their unintended error. The latter were divided among themselves: they who had guided the revolution at home asserting the greater extent of their service, and those who had been driven from their country pleading the greater merit of their sufferings. The residents were the most powerful; but the exiles who attended the king possessed the greatest share of his confidence and esteem. He had been accustomed to consult them when abroad, and he had received his information chiefly from them. Among these Carstairs, who had been tortured, had a prominent part.* He had, immediately upon the king and queen's accepting the Scottish crown, been nominated as their chaplain, with the whole revenue of the chapel royal annexed to the office; but he had apartments in the palace, waited constantly upon his majesty's person, and had even enjoyed the dangerous distinction of accompanying him in

* He was jocularly called cardinal Carstairs. The magistrates of Edinburgh, after the Revolution, made him a present of the instrument with which he had been tortured, [thumbkins] of which there is a print in Constable's Edinburgh Magazine for August, 1817. Tradition says, that Carstairs exhibited this engine to king William, who requested to experience its power. The divine turned the screw with that delicacy that might be expected when a clergyman squeezes the thumbs of a monarch. William feeling no great pain, upbraided the principal in giving way under such a slight compulsitor; when Carstairs, giving the screw an effectual turn, compelled the king to roar for mercy, and to confess that, under such an infliction, a man might confess any thing. Fountainhall's Chron. p. 101, 102, note.

his chariot to the field of battle. By his advice the affairs of Scotland were principally regulated during the remainder of William's reign; and as it was in Scotland that the chief errors of that reign were committed, it affords another presumptive proof of the impropriety of churchmen intermeddling in the affairs of state. His two maxims are at least very disputable. He advised the king to allow episcopalians to retain their livings in a presbyterian church, if they took the oaths to government—a practice which divided the kirk; and he advised him to be extremely cautious in giving up any one branch of his royal prerogatives, a danger to which he said he was the more exposed from having been raised to the throne by the voice of the people—a caution which split the parliament.

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Regulates
the affairs
of Scot-
land.Effects of
his advice
to the
king.

LXIII. Lord Melville was appointed sole secretary of state, and the members of the privy council were almost wholly intrusted to his nomination; the principal offices, the treasury, and the seals, were put in commission to include as many of the expectants as possible; but Montgomery, a fiery and ambitious man, was chagrined at not having the most influential situation in the government, and the duke of Hamilton was displeased that the distribution of the chief places had not been intrusted to him for the gratification of his friends. Sir James Dalrymple also enjoyed a share of the king's confidence, which he owed to his connexion with Fagel; and although William was informed of the hatred borne both to him and his son by the presbyterians on account of their compliances in some of the worst measures of the two last reigns, he was induced to believe their conduct had been greatly exaggerated, when he saw the latter intrusted with the high and important mission of offering him the crown, and in the new arrangements he was installed in the lord advocateship which he held under the fugitive monarch.

Distribu-
tion of of-
fices.

LXIV. Scarcely could it be expected that the episcopalians could wish well to William; yet it might have been thought that those who styled themselves presbyterians would have been unanimous; interest, however, and principle separated them; those who had complied and those who had suffered, formed two distinct parties in the body, and before

Presbyte-
rians divid-
ed.

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1669.

Conven-
tion meets.The king's
letter.Act consti-
tuting it a
parliament.

the new parliament met they were already prepared to divide. These jealousies appeared very early in the session. Conformably to their act of adjournment, the convention met on the 5th of June, and the duke of Hamilton informed them that he had received the royal commission to represent his majesty in the first session, together with his instructions for turning their meeting into a parliament. In his letter, which was subjected to a rigid scrutiny by the episcopalians, who now began to be distinguished by the name of "Jacobites;" the king told them, "we did order a commission, and prepared instructions to our commissioner, to turn you into a parliament with your own consent, and likewise with establishing the church government according to your desires and inclinations, and for redressing the laws and securing you against all the articles of your grievances, whereby we have done all our part to render you contented and happy." Earl Crawford then moved that an act should be framed agreeably to his majesty's instructions; and Lothian, Tarbet, the laird of Ormiston, (Cockburn,) sir Patrick Hume, W. Hamilton, and Patrick Spence, were nominated as a committee to bring it in. This singular and important document runs thus; "The king and queen's majesties, with advice and consent of the estates of the kingdom presently assembled, do enact and declare that the three estates now met together, this fifth of June, one thousand six hundred and eighty-nine, consisting of the noblemen, barons, and boroughs, are a lawful and free parliament; and are hereby declared, enacted, and adjudged to be such to all intents and purposes whatsoever, notwithstanding of the merit of any new writs or proclamation for calling the same, or the want of any other solemnity; and that all acts and statutes to be passed therein shall be received, acknowledged, and obeyed by the subjects as acts of parliament and laws of this kingdom, and it is hereby declared, that it shall be high treason for any persons to disown, quarrel, or impugn the dignity and authority of this parliament upon any pretence whatsoever; and ordains the presents to be published at the market cross of Edinburgh, that none pretend ignorance."

LXV. Against this deed the jacobites loudly exclaimed; it

was an assumption of power equally arbitrary, they said, with any act of the king they pretended to set aside, for to summon a parliament without writs was a thing wholly unknown in the constitution of the kingdom of Scotland ; and the only legal warrant they had for meeting in a public capacity, was derived from that sovereign whose authority they had disowned.

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The jacobites condemn it.

The next step was one which met the disapprobation of part of the presbyterians. The king had nominated earl Crawford president of the parliament, and he was accordingly installed into the chair ; but a number who looked forward to this parliament's resorting to the precedent of 1649, thought that the choice ought entirely to have been left free. When the forms, however, had been gone through, the commissioner adjourned the meeting till the seventeenth, and the interval was employed by the disappointed members for organizing what had never been known in Scotland, a country party, or a regular opposition.

This opposition was formed of very dissimilar and discordant materials :—the hidden jacobites, who assumed a

A regular
opposition
formed.

zeal for a cause they detested ; the political speculators, who cared little about any thing else than their own advancement ; and the misled patriots, who thought because they did not get all, they had got nothing. I do not know whether among these last I should rank Fletcher of Saltoun, or

Fletcher of
Saltoun.

whether he should not rather be placed by himself in one of those solitary niches which we allot to singular individuals, who, called into action in turbulent times, acquire a character and a fame, which in the sobriety of ordinary affairs they would never have reached. He was not a commissioner in this parliament, but he possessed an influence derived from the general respect paid to his integrity, which placed him upon a most enviable point of elevation. His religious sentiments were not orthodox, and his political creed was extremely exceptionable ; but he stands as an example of how far downright sincerity, and consistent political faith and practice, may carry a man.*

* Mr. Laing mentions with admiration, that "his spirit was proverbially brave as the sword that he wore." Now I must confess that I do not exactly understand the phrase, and I think it is not very far distant from bombast.

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LXVI. As the religious grievances in Scotland were the most oppressive and severe, and those which formed the most prominent feature in all the representations of the tyranny from which the Scots wished to be relieved, William was easily led to suppose, that if they were reduced, no difficulty would remain in settling what were talked of as minor differences. The parliament when they assembled thought differently. They commenced with their political grievances.

Committee
of articles.

LXVII. To give to a government the sole power of proposing laws, or what is equivalent, the power of a negative before discussion, is the essence of despotism, and could never be tolerated in a land where political freedom had made any progress, unless counteracted by some strong opposing principle. The committee of articles gave to the king this power; and it was owing to the peculiar structure of society in the country that the Scottish nation preserved even the appearance of liberty. While Scotland was a small independent kingdom, with a powerful aristocracy and a poor sovereign, the evil was not felt, because the chestains had always the means of remedy within their reach; but when the king, on ascending the English throne, became rich and independent, the full extent of the mischief was apparent. The first grievance, therefore, presented for redress, was the nature of this committee. The king, acting upon one of Carstairs's axioms, was unwilling to relinquish any of his prerogatives; and although he frankly agreed to propositions for modifying the abuse, he had no intention that such an useful adjunct of royal power should be wholly abolished. He would have granted that the members should be chosen freely, but he required that the servants of the crown should *ex officio* form a constituent part of the committee. He proposed likewise that they should be changed monthly, and that the motions they might once reject might be again brought forward; and

The king's
concessions
respecting
it.

“His sword was like a meteor of heaven, it flashed like a beam of light,” although Ossianic expressions sound less offensively in my ear than the “peculiarly happy” epithets of Davis or Lockhart,—“bold as a lion, brave as the sword he wears.”—Hist. vol. iii. p. 308. Lockhart's Introd. Carstairs's Preface, p. 34. The murder Fletcher committed in Monmouth's expedition does not appear at the time to have been known in Scotland; it is wholly indefensible.

he also consented to what would have nearly annihilated the most destructive part of their influence—that motions refused by them might without their concurrence be laid before parliament. An act founded upon these concessions was introduced by the president, who in a set speech, recommending unanimity, proposed its adoption; but previously to its being discussed, lord Ross proposed that as their majesties had sworn the oath appointed to be taken by the kings and queens of Scotland, their subjects should take the oath of allegiance, and that all the ministers of the church should be required to swear it. His lordship's motion having passed unanimously, the question of the committee of articles was again brought forward, and after an animated debate, the proposal for the officers of state forming part of the committee was negatived, and a new bill brought in entirely re-modelling this committee.

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1689.

Act for re-
modelling
it.

Rejected.

LXVIII. Irritated at what appeared the opposition of the court to fulfil their stipulations, the country party constructed the act in decided language. In their preamble, they represented “that the committee of parliament called the articles was and is a great grievance to the nation, and that there ought to be no committees of parliament but such as are fairly chosen by the estates, to propose motions and overtures that are first tabled in the house.” They therefore proceeded, and “declared it to be the undoubted right of the three estates to nominate committees of parliament, of what number they please, being equal of every estate, and chosen by the respective estates from among themselves, for proposing motions that are first made in the house; but that the house may deliberate and resolve upon matters brought before them without referring to any committee if they think proper; that the house may appoint a plurality of committees, and that no officer of state can be a member of them unless chosen.” When presented to the commissioner, he refused to give it the ratifying touch of the sceptre, as the instructions he had received expressly mentioned the officers of state as constituent members. But the parliament was inflexible. They urged, that in the original appointment of this committee, the officers of state, so far from being supernumerary members, were not even allowed to sit; and that

A new act
proposed.The com-
missioner
refuses to
ratify it.

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1689.
Reasons
assigned by
parliament
for its a-
doption,

sent to the
king.

His propo-
sal.

Refused by
parliament.

although after the year 1657, some of the servants of the crown were appointed, it was their great abilities, and not their high offices, that guided the choice of parliament. Nor was it till the royal residence was removed to another kingdom, that the subservience of the public officers to the will of their prince, and their treachery to their country, rendered what was originally intended as a relief to the members of parliament, an exorbitant and intolerable burden. And when encroachments were to be made upon the jurisdiction of that high court, and the liberties of the people invaded, as no better tools could be found than the officers of state, they were first by sufferance, and afterwards by a stretch of the prerogative, obtruded in virtue of their places upon those committees. But their presence had been ominous. To them it was owing that the articles of Perth had been carried in opposition to the sense of the parliament, and the will of the nation; and every misery that had been inflicted during the last three calamitous reigns upon the country, might be traced to the influence of the crown in the committee of articles. These reasons were embodied in a letter, and transmitted to court. William, who did not understand the full extent of the grievance, or not aware of the temper of the estates, sent in return a message proposing to enlarge the number of members chosen by each body, which would always preserve in the committee such a preponderating majority of the parliamentary members as would effectually prevent any mischief from the officers of state, who, he still insisted, should form a constituent part of the articles. The parliament continued immoveable; it was not the number, but the influence of the servants of the crown that they dreaded, and therefore they could not consent to admit them under any modification.

LXIX. In the course of the debates, some of the members having thrown out a suspicion that the commissioners had not fulfilled their duty, in tendering the coronation oath to their majesties before they had presented the list of grievances, Argyle, with considerable warmth, moved that the subject should be inquired into, and that he at least should be exonerated by a vote of the house. A majority of the parliament appearing inclined to support his motion, the lord advocate,

who imagined that there was a lurking design to roll the whole responsibility over upon him, insisted that he should be allowed to clear himself from any imputation of having unfaithfully discharged his high commission according to the instructions given him by the estates; these were, he said, 'that the commissioners should deliver the petition of right, and see the oath taken, and declare the grievances,' which evidently prescribed the order in which they were to proceed, and which was exactly the order that he had advised. After two days warm discussion, conducted in the usual fervid manner of the Scots, his grace adjourned the house for a short time, and, issuing a commission to Argyle to protect the western coast, the earl withdrew from parliament to Cantyre, and the subject was dropped.

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Parliament
adjourned.

LXX. Another interruption arose from an alarm that an extensive conspiracy was formed among the friends of the forfeited monarch. As part of the regular troops were known to be disaffected, several of them were taken into custody upon suspicion; and parliament, amid its own furious contests for liberty, authorized the privy council to examine the suspected by torture! The reported conspiracy at first bore the common stamp of popular terror:—the commissioner was to be seized, the parliament to have their throats cut, and the city set on fire. Gordon, Home, Oxenford, and a number of the conspicuous jacobites, were, in consequence, thrown into prison, but the estates, deterred by the rumoured advance of Dundee, were not eager to prosecute; and there appearing nothing, upon examination, except an association to assist the viscount, they were only kept in restraint till the danger was over, and then liberated.

Rumours of
a conspi-
racy

LXXI. Repeatedly did the commissioner attempt, during the disagreeable discussions, to introduce the subject of church government; this only increased the confusion. The presbyterians insisted upon having their kirk recognised as being most agreeable to the word of God, and its establishment to rest upon this basis; the king, whose ideas of toleration did not admit of that exclusive claim upon the part of any particular church which the *jus divinum* implies, and who was, besides, unwilling to abrogate the rights of

Debates re-
specting
the church.

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Act abolishing pre-
lacy,

dissatisfies
the presby-
terians.

patronages, refused to consent to the re-introduction of presbytery as the state religion, unless these rights were restored, and this question also was left undecided. Prelacy was abolished, and all the acts, since the restoration, in its favour rescinded; but in the act abolishing it, presbytery was not mentioned, only the king and queen's majesties "doe declare that they, with the advyce and consent of the estates of this parliament, will settle by law that church government in this kingdome which is most agreeable to the inclinations of the people." Displeased and disappointed at this apparent breach of an understood compact, the presbyterians were still farther estranged by the omission or refusal of the commissioner to touch with the sceptre an act rescinding the most obnoxious of all Charles' or James' prerogatives, the act "asserting his majesty's supremacy over all persons, and in all causes ecclesiastical," which, after it had passed unanimously, was silently withdrawn, as was another for restoring the "outed ministers" who still survived.

LXXII. Vindictive measures upon the part of a government are at best of doubtful policy; but justice required that some decided mark of reprobation should have been set upon those who had willingly lent themselves to the atrocities of the late tyranny; and although a new government might have deemed it unsafe to strip all the familiars of oppression of the whole of their plunder, yet if ever there was a time when proscription from office was justifiable, it was justified in the present instance; if the authors of the cruelties and extortions of the late reign were, through mistaken leniency, to be allowed an indemnity, they ought to have been rendered incapable of holding any place of public trust for ever. William was advised otherwise, he not only did not punish, but he received into his councils many who were execrated by their country, and deserved to be so, upon the very hazardous principle of supporting his government by a union of parties; a principle which, however conducive to the peace of a well established government, is dangerous and unsafe in revolutionary times, when the stability of the dominant party depends almost always upon the incapacity of their rivals to injure. An act, however, to

this effect, declaring "that no person of whatsoever rank or degree, who in the former evil government had been grievous to the nation, by acting in the encroachments mentioned in the articles of the claim of right, contrary to law, or who had been a retarder or obstructor of the good designs of the estates, should be allowed to possess or be admitted into any public trust, place, or employment of whatever kind under their majesties in the kingdom of Scotland," after passing the house, was refused to be ratified by the king. And to this specious generosity, which, without gaining the confidence of his enemies, weakened the affection of his friends, may chiefly be traced much of that turbulence which distracted the reign of William in Scotland.

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1689.

Act excluding the abettors of the late government from office,

refused by the king.

LXXIII. None of the official appointments gave less contentment than that of sir James Dalrymple, created afterward viscount Stair, to be president of the court of session in room of sir George Lockhart.* He was disliked by both parties, because he had been thoroughly staunch to neither; he had been one of Cromwell's judges, was created a baronet, and appointed president of the session by Charles; he had abetted Lauderdale, and although he claimed the merit of softening the rigours of that administration, his professions were received with suspicion, as he had shared in its honours and emoluments. Nor were his sufferings under James attributed so much to his principles as to the personal dislike of the king. On purpose to prevent his appointment being confirmed, the nomination of the whole judges was challenged. The king, it was admitted, could fill up any single vacancy that occurred; but when the court was dissolved—as it was by the revolution—it was contended that it could only be restored by the parliament, and that so restored, it possessed the power of nominating its own president. Accordingly an act was introduced empowering their majesties to nominate the court, and present the judges so named to parliament for their approval or rejection; but this demand exceeding the commissioner's powers, he requested time to procure his majesty's instructions, and

Appointment of sir James Dalrymple as president of court of session.

Plan for defeating it.

Act for appointing judges in the court of session lost.

* Assassinated by John Cheesly of Dalry, who conceived himself injured by an unjust decision.

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Parliament
adjourned.General
discontent
with the
govern-
ment.William's
views of
church go-
vernment.

the estates voted that the signet stop till his majesty's pleasure respecting the lords of session be known. Before this could be obtained the parliament was adjourned; and after a stormy session, which had succeeded a transient glimpse of sun-shine, they were dismissed to spread throughout the country their doubts of the sincerity of the crown, and their chagrin at their own individual disappointment which they patriotically represented as the disappointment of the nation. What greatly aggravated the general discontent was a very current expectation that the illegal forfeitures would have been reversed; but only two, Fletcher of Saltoun and the duke of Argyle's were entered on the record; and as every action of the new government was, by the jacobites, distorted and contrasted with those of the old, they invidiously compared the non-reversal of the forfeitures with the invidious policy of Charles at the restoration in not granting an indemnity.*

LXXIV. With regard to Scotland, the situation of William was peculiarly trying. He was not personally acquainted with the country, nor had he examined on the spot, as he had done in England, the state of parties; his principal information had been derived from the exiles who had surrounded him from his infancy; and their chief complaints had been against the enormous wrong and outrage they suffered, and their chief outcry against popery and prelacy. But as it was only against prelacy as the handmaid of popery that he understood them to complain, he conceived that if the church of England, whose creed was the same, would only wave a few of her ceremonials, the presbyterians might be induced to adopt a modified episcopacy;—for he was ill instructed with regard to the unbending nature of presbytery, and he confounded what he had heard of superintendents, with the order of diocesan bishops.

LXXV. Carstairs, his adviser, although a presbyterian, was a political one, and never appears to have entered into the

* Acts of the Scottish Parl. vol. ix. 1689, and App. Carstairs's State Papers, p. 40, *et seq.* Douglas's Peerage, vol. ii. p. 519. Tracts relative to the Church, Bib. Ed. State Tracts, Temp. Gul. Hist. Revol. p. 118, *et seq.* Balcarras.

original sentiments of the presbyterians: he viewed a religious establishment as too much an engine of state, and although he thought the form of presbytery best adapted for Scotland, and, perhaps, from the force of education, the best form of church government; yet that spirituality in its essence—the supreme kingship of Christ in his church, for which so much blood was shed—he appears to have considered as a subject of secondary moment. It could scarcely be expected that a prince who had been so constantly and intensely engaged from his infancy in the most difficult political struggles, could enter minutely into these controversies which divided the presbyterians among themselves; and considering them unimportant, he wished to establish a general uniformity in the national churches of the two kingdoms, as what would tend to facilitate a political union, and therefore was persuaded to refuse his assent to the bills which had been brought forward for establishing presbytery at once in Scotland. Nor was it till he found that the episcopalians in England were equally averse to any compromise with dissenters, that he consented to its restoration; and then unfortunately, the suspicions that he was unfavourable to their cause, or equally indifferent to religion itself, had gained ground among the presbyterians. These circumstances are necessary to be kept in mind, as they will help us to account for what otherwise must appear the most unaccountable of all possible conjunctions—the union of the presbyterians in a conspiracy with the jacobites against the king.

LXXVI. His conduct in nominating the lords of session by an act of the prerogative, was represented as equally arbitrary, and not less an interference with the purity of the court, than the appointments of James; while, by his dispute with the parliament, the signet remained shut, and the nation was deprived of the regular administration of justice. As this last was an evil of enormous magnitude, soon after parliament rose, William transmitted to the privy council orders for the lords of session to meet on the 1st of November; and to support his prerogative, without directly opposing the desire of parliament, he had recourse to an equivocal measure, bearing too strong a resemblance to the chicane of the

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Carstairs'
idea of
presbytery.

The king
desires a
general
uniformity.

His arbitra-
ry appoint-
ment of the
lords of ses-
sion.

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former government. He continued sir James Dalrymple and two others of the late king's judges, who had been tried as to the qualifications required by the acts of parliament, and ordered the privy council to appoint them, or any two of them, to examine the qualifications of the others nominated by himself, and admit them if found qualified. With these injunctions, the council immediately complied; but such was the state of public feeling, that the lords assumed their seats upon the bench under the protection of the military.

The Cameronians

LXXVII. Amid all these confusions, the persecuted wanderers had neither been idle nor uninterested spectators; unfortunately the spirit of party which persecution had not been able to eradicate or subdue, upon the return of more prosperous days, revived among them in all its bitterness; and clearly evinced, that although they had stood in the day of hot and bloody trial, they were yet unweaned from their darling object of enforcing uniformity, and incapable of being intrusted with power in prosperity.

prepare a memorial for the king.

LXXVIII. It had been agreed at a general meeting, held after William's arrival, to address a memorial of their grievances and the means of redress to him, and a committee was appointed to draw it up. Before this was prepared, a party of themselves, among whom were several of their leaders, assisted in proclaiming the prince's declaration in Glasgow. At this proceeding, Gordon of Earlston, who remained a prisoner in Blackness castle, was highly offended: he considered the narrative of the evils enumerated in the declaration, as too circumscribed, and protested against their adopting it as their own, as at least premature. In his protest he was joined by several of the meeting, and the whole expressed their disapprobation at the conduct of their brethren as rash, and also their disavowal of the prince's manifesto as defective—any notice of the covenanted work of reformation being entirely omitted.

Protest against it.

Memorial approved at a subsequent meeting.

LXXIX. At a subsequent meeting, the memorial was produced and approved of; it contained a narrative of their sufferings, an avowal of their principles, and a defence of their conduct. But although approved of, it was never transmitted to his majesty, and the causes of this neglect or mis-

fortune gave rise to new differences; for it was lamented that the opportunity had been lost for remonstrating against the erastianism of the king, representing to him fully their cause and case, and proffering their allegiance upon terms! * Meanwhile a fast was proclaimed, and the covenants were renewed at Borland hill in the parish of Lesmahago; where, after sermon, a number of backsliders came forward publicly to profess their repentance for their sinful compliances during the domination of the tyrants, to receive the rebukes of their ministers, and be received into the full society of the brethren. † So fares it with religious associations when they begin to be in favour.

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Covenants
renewed.

LXXX. What, however, more keenly divided them, was their opposite opinions respecting the constitution of the convention of estates, and what they termed sinful associations. Under the first impulse of gladness at their prospect of deliverance, numbers had offered their services without limitation, to protect that body from the designs of malignants; but, after the service was performed, they began to reflect that the assembly they had protected was itself composed of many who had been bloody murderers and violent persecutors, and they accused themselves of tampering and associating with men with whom, till now, they had had no connexion. These differences were first conspicuous in the operations of a sub-committee which had been chosen by the general meeting to repair to Edinburgh to watch over their interests. When the subject was there agitated, and it was

Dissensions
among
them,respecting
the support
they had
given to the
convention
of estates,

* Perhaps the causes of the failure may be traced to the want of the means of properly appearing at court. The sum ordered to be borrowed, till it could otherwise be procured, for defraying the expense of their commissioners, was thirty pounds! Robert Hamilton, the Bothwell Bridge hero, who had returned from the continent, and still retained considerable influence among the society-men, was named as one of them; but he declined going with the paper, because he could not address the person to whom it was directed under any other title than the prince of Orange, nor acknowledge him as king till he complied with the conditions which they prescribed to him! (Minutes of the General Meeting, August 1689.)

† Michael Shields, in the Faithful Contendings, adds with great simplicity, "Yea several persons, whose names were not given up, rose of their own accord, and acknowledged their being guilty of several steps of defection, and some confessed their being guilty of personal scandal, as theft, &c. And more would have done the like if they had been suffered."

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proposed, "that a protestation should be drawn up and given in to the convention against their allowing men to sit among them as constituent members, who were perjured, and who had been greatly accessory to, and active in carrying on the late persecution," some of the more prudent objected that it might alienate those who were friendly, and preclude them from access with any future petition or protest, and the question was dropped.

And serving in the militia.

Their petition to the estates.

Refutation of the charges brought against them.

LXXXI. Not so the debates concerning sinful association. The conscientious scruples in which these originated were perhaps carried too far; but the principle, even in a political point of view, in the main was good. When the acts calling out the militia and a general armament were passed, the society-men felt a very natural reluctance at placing themselves under the command of officers who had so lately been amongst their most violent persecutors, and some of whom had deserted their party, or, in their own language, "had given evidences of their treachery and enmity against the Lord's cause and people." They therefore refused to serve under such men. But as in this they were generally misrepresented by even the moderate presbyterians, and their anti-associating principles traduced as republican or anarchical, they drew up a declaration in the form of a petition to the committee, intended to wipe away those aspersions, which they printed together with their memorial to the king. "We are represented," say they, in this paper,* "by our enemies as antipodes to all mankind, enemies to government, and incapable of order: but as their order is *toto diametro*—diametrically opposite to the institutions and cause of Christ; so they must have little wit and less honesty who believe and receive these notions, and the reproaches of those who were as great enemies and rebels to the present government as we avowed ourselves to be to the last. Our sufferings for declining the yoke of malignant tyranny and popish usurpation are already hinted, and are generally known; and all that will examine and consider our conduct since the king began his heroic undertak-

* Printed under the title of "A Memorial of the grievances of the Presbyterians nick-named Cameronians."

ing, to redeem these nations from popery and slavery, will be forced to acknowledge that we have given as good evidence of our being willing to be subject to king William as we gave before of our being unwilling to be slaves to king James. Upon the first report of the prince of Orange's expedition, we owned his quarrel, even while the prelatic faction were in arms to oppose his coming. In all our meetings we prayed openly for the success of his arms, when in all the churches prayers were made for his ruin:—nay, when even in the indulged meetings prayers were offered for the popish tyrant, whom we prayed against, and the prince came to oppose. We also associated ourselves early, binding ourselves to promote his interest, and were the first who openly armed and declared our desire to join with him, and this when the others were associating with and for his enemies. But before we offered to be soldiers, we first made an offer to be subjects, we made a voluntary tender of our subjection in a peculiar petition by ourselves." This petition was addressed "To the meeting of the estates of the kingdom of Scotland, the noblemen, barons, and burgesses lawfully called and chosen, assembled at Edinburgh for establishing the government, restoring and securing the true religion, laws, and liberties of the said kingdom:" and inscribed "the humble petition of the poor people who have suffered grievous persecutions for their religion, and for their revolt from, and disowning the authority of king James VII." pleading for devolving the government upon the prince of Orange, now king of England.

LXXXII. After a long introduction and recital of their sufferings, they thus proceed in a strain of sublime pathetic eloquence:—* "We prostrate ourselves, yet under the sorrowing smart of our still bleeding wounds, at your honour's feet, who have a call, a capacity, and we hope a heart to heal

Their appeal to the feelings of the estates.

* The reader will be struck with the coincidence of expression in Burns's ode, Bruce's address to his troops.

By oppression's woes and pains,

By our children led in chains,

We will drain our dearest veins.

But we will be free!

Burns was well acquainted with the writings of the covenanters.

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Desire the
throne to
be declared
vacant,

and Wil-
liam to be
elected
king,

us; and we offer this our petition conjuring your honours to hearken to us. By all the formerly felt, presently seen, and for the future feared effects and efforts of popery and tyranny—by the cry of the blood of our murdered brethren—by the sufferings of the banished free-born groaning in servitude in the English plantations of America—by the miseries that many thousands, forfeited, disinherited, harassed, and wasted houses and families, have been reduced to—by all the sufferings of a faithful people for adhering to the ancient commanded establishment of religion and liberty, and by all the arguments of justice, necessity, and mercy, that could ever join together to begin communication among men of wisdom, piety and virtue, humbly beseeching and craving of your honours, now when God hath given you this opportunity, to act for his glory—the good of the church and the nation—your own honour and the happiness of posterity—now when this kingdom, the neighbouring, and all the nations of Europe, have their eyes upon you, expecting you will acquit yourselves like the representatives of a free nation in redeeming it from slavery otherwise inevitable, following the example of your renowned ancestors, and the pattern of the present convention and parliament in England:—that you will proceed without any delay, to declare the late wicked government dissolved, the crown and throne vacant, and James VII.—whom we never have owned, and resolved with many thousands of our countrymen never again to own—to have really forfeited and rightly to be deprived of all right and title he ever had or could ever pretend to have thereto, and to provide that it may never be in the power of any succeeding ruler to aspire unto, or arise to such a capacity of tyrannizing.” “Moreover, since anarchy and tyranny are equally to be detested, and the nation cannot subsist without a righteous governor, as also that none can ever have a nearer right or fitter qualifications than his illustrious highness the prince of Orange, whom the Most High has singularly owned and honoured to be our deliverer: We cry therefore, and crave that William, king of England, may be chosen and proclaimed king of Scotland, and that the regal authority may be devolved upon him, with such necessary provisions and limitations

as may give just and legal securities for the peace and purity of religion—the stability of our laws—privileges of parliament—liberties of the people, civil and ecclesiastical, and may thereby make our subjection both a clear duty and a comfortable happiness; and we particularly crave that he and his successors be bound in the royal oath to profess, protect, and maintain the protestant religion—that he restore, and confirm by his princely sanction, the due privileges of the church, and never assume to himself an erastian supremacy in matters ecclesiastic, nor unbounded prerogative in civil. Upon such terms as these, we tender our allegiance to king William, and hope to give more pregnant proofs of our loyalty to his majesty in adverse as well as prosperous providence, than they have done or can do who profess implicit subjection to absolute authority so long only as providence preserves its grandeur.”

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On certain
conditions.

LXXXIII. About the same time, some of themselves, who thought that mere professions at such a season, when religion, liberty, and the country were in danger, laid them open to obloquy, proposed to embody a regiment for the assistance of the prince of Orange, but to stipulate the conditions of their service. Laurie of Blackwood, formerly noticed, [vide p. 69.] on learning this, with an officious zeal, made offer to the convention to raise a regiment of two battalions of ten companies each, within fourteen days, lord Angus* to be colonel, and captain William Clelland, who had distinguished himself at Drumclog, lieutenant-colonel. The offer was accepted, but he had not consulted the societies; and when the stipulations came to be considered, the scruples of the Cameronians were found to extend not only to the officers but to the men who were to be permitted to enlist. A general meeting, therefore, was summoned to meet in Douglas Church, on the 29th April, to concert the steps necessary for carrying the measures into effect, and removing the obstacles. On the Lord's day previous, a large field meeting assembled in the neighbourhood, which was addressed by their preachers, Messrs. Shields, Linning,

Offer to
raise a re-
giment in
defence of
the coun-
try.Meeting for
carrying it
into effect.

* Son of the marquis of Douglas, then scarcely twenty years of age. He was killed at the battle of Steinkirk, 1692.

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and Boyd, who from texts appropriately chosen, vehemently urged upon their hearers the duty of improving God's providential appearance in favour of his own cause; and, again, the curse of Meroz was thundered against those who came not out to the help of the Lord, against the mighty. This call had been often repeated, and the people were not unwilling to attend to it; but they required that the trumpet should utter no uncertain sound, and now determined that they would not fight for they knew not what.

It is agreed
to.

LXXXIV. Next day, therefore, at the meeting, when the question was artfully put, "Whether when an invasion from Ireland was threatened, and an intestine war was kindled in the land, it was not a necessary duty to raise a regiment of their friends in defence of religion, the country, and themselves?" the query was as cautiously met, by a vote, asserting "that the country was like to be in great danger, and that it was very expedient to have men modelled." But the majority contended that to have a regiment of their friends under pay would be a sinful association, as their officers must sit in council with the murderers of their brethren, and fight under one general, with whose principles they were unacquainted.

LXXXV. Much confusion ensued, as usual in such assemblies,* and they were about to separate without coming to any conclusion, when some of the most moderate presented a sketch of the proposals intended to be submitted to their officers. "We cannot," said they, in their introduction, "acquit ourselves in the duties we owe to God, to our country, to our brethren, and to posterity—obliged as we are, by the laws of God and man, and by our national covenant—if we do not offer our concurrence in the present call of providence to assist in the defence of the common cause against the common enemies." But fearing the hazard of associating with those who had formerly opposed

* In theory, the arguments for universal suffrage are unanswerable. Nothing can appear more fair than that the whole should have a voice where the whole are concerned; but in practice, if the parties be conscientious, they split into divisions and sections of divisions; if without principle, they become riotous, turbulent, and generally in the end sell themselves to some artful ambitious leader, who can flatter their passions to serve his own purposes.

what they now professed to support, and declaring that they were resolved, through grace, to adhere to the same cause in fighting as they had done in suffering, they required that all their officers should be such as had given proof of their fidelity to the covenanted reformation, and were willing to renew their covenant engagement;—that the officers should not enlist their men, but that the companies being completed by the societies, they should have the choice, or at least the approval of their captains and inferior officers;—that their officers already chosen were to be retained unless found unfit, and none who were incapable should be obtruded;—that while in the country they should have liberty to choose their own ministers, and if called out of it, to have the choice of one to go along with them;—that they should not be obliged to go out of the three kingdoms, nor of Scotland, except upon urgent pressing necessity; and it concluded by requiring “liberty to represent and remonstrate our grievances sustained these years bygone, and to impeach according to law and justice, the chief instruments and abettors thereof in church, state, army, or country!” Clelland, their lieutenant-colonel, promised them every satisfaction with regard to their officers, but their other requests he told them it was not in his power to grant, and they were besides entirely inconsistent with military duty. Not content, however, with these concessions, the meeting again became tumultuous, nor did they become quiet till a report of the landing of “the Irishes” struck them anew with a sense of their imminent danger, and they adjourned peaceably till the 13th of May, their lieutenant-colonel undertaking to arrange the points in dispute with the general, and the ministers to convince or compose the people.

LXXXVI. By this time Mackay had gone to the north, and the shortness of time allowed no communication with him, while the state of the country demanded the most prompt activity; the levying of men, therefore, went on unremittingly, while, at the same time, the discussions continued. At the next meeting the same proposals were brought forward, under other forms; but the utter impossibility of entering into any engagement, by which a body of men, with arms in their hands, should be erected into a deliberative

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Conditions
on which
they agree
to serve.Partly con-
ceded.Further
discussions.

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An accom-
modation
takes place.The regi-
ment im-
bodied.

association on the one hand, and the obstinacy of the Cameronians to preserve what they imagined their natural rights on the other, threatened to render the whole scheme abortive; when sir Patrick Hume of Polwart, who deservedly possessed great influence, interposed as mediator, and a brief form, which he drew up, was accepted by both parties; though it afterwards became the occasion of warm altercation between the component parts of the society men, and, as usual, added another bone of contention to those multiplied occasions of difference which times of rest from their enemies left them leisure to discuss.* It was expressed in general, yet one would have imagined, in sufficiently explicit terms; "they declared that the cause they were called to appear for was the service of the king's majesty in the defence of the nation; recovery and preservation of the protestant religion; and, in particular, the work of reformation in Scotland in opposition to popery, prelacy, and arbitrary power, in all its branches and steps, until the government in church and state be brought back to their lustre and integrity established in the best and purest of times." This important point being settled, the ranks were speedily filled, and on the 14th of May the regiment, ever since known by the name of the Cameronian, mustered on the holm of Douglas twelve hundred strong. The lieutenant-colonel, accompanied by a captain and Mr. Shields their minister, rode through the ranks, and in a short speech to each company, explained the nature of their ob-

* The soldiers, however, although they acquiesced in the arrangement, seem not altogether to have understood it; for some time after [while they lay at Dunblane] they emitted a declaration of their sentiments upon public affairs, and before they marched into the highlands, they, as a body, presented a petition to the estates, craving liberty to impeach some of the most notorious of their persecutors, men guilty of shedding the blood of war in peace; supplicating that the church might be purged of episcopal curates; that none might be admitted into places of power or trust in the state, army, or country, who had been instruments of the persecution, and professed and sworn tools of the late tyranny; and that the military laws for restraining the army from disorders be ordered to be put in execution effectually against all debaucheries that affront the Most High God, and provoke his indignation against the army—particularly fornication, drunkenness, cursing, swearing, &c. without respect of persons, officers or soldiers. [Minutes of the General Meetings July 1689.]

ligation, which the minister enforced. They soon after appeared upon the scene of action, being ordered to the highlands, and whatever opinion may be formed of the scrupulosity with which they entered into their engagements, there can be but one mind respecting the manner in which they fulfilled them.

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LXXXVII. Dundee, who waited the performance of Melfort's magnificent promises, was suddenly called into action by an incident that seemed to augur well for the cause of James. Lord Murray, the marquis of Athole's son, retired from the squabbling of parliament, to raise a force sufficient to preserve the peace of his country, and had collected twelve hundred of his clan. As the castle of Blair preserved the communication among the districts, and was important as a place of strength interposed between the friendly and the adverse highlanders, he was desirous to obtain possession; for although it was held by a retainer of the Athole family, the doubtful politics of the chieftain appeared to have unsettled the fidelity of the clan; as when the governor was required to deliver it up, he answered that he kept it by the general's orders for the king's service, and immediately sent notice to viscount Dundee of lord Murray's proceedings. Murray, unable to reduce the castle himself, requested aid of general Mackay, and he, equally sensible of its importance, was not less desirous to secure it. Collecting his whole forces, therefore, amounting to about four thousand men, he pushed on for Athole. Dundee, aware of the consequence of losing the place, and who saw well that if it were in an enemy's hands, all intelligence with any other part of the highlands would be cut off, and that division of the country in which he most confided, rendered incapable of affording him any assistance, summoned his friendly supporters to his standard; and with about two thousand foot and a few horse, proceeded to relieve the garrison. On his march he vainly attempted to gain over lord Murray—his emissaries were more successful with his men; and with an infidelity rare among highlanders, the clan were persuaded to desert the son of their chief. Filling their bonnets with water, they drank the health of king James, and left the pass they were appointed to defend,

Lord Murray besieges Blair castle.

Dundee advances to relieve it.

Seduces lord Murray's troops.

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Dundee
joined by
general
Cannon.

Inefficien-
cy of this
reinforce-
ment.

He relieves
Blair castle.

while their young lord repaired to Mackay to inform him of the disaster.*

LXXXVIII. When on his march, Dundee was joined by the long-expected auxiliaries ; but instead of a powerful and efficient force, well equipped, and accompanied by a strong body of cavalry and ample supplies, they only amounted to between four and five hundred men, under major-general Cannon, poorly appointed, and in want of those necessities themselves which he had expected them to bring for the use of his recruits. The armament had been sent from Ireland some time before, under the convoy of three French frigates of considerable force, but had been met by the two Scottish men of war, who, notwithstanding their great inferiority, bravely fought them, till every shot they had was expended, and further resistance was impracticable. The transports, with the troops and provisions, made for Mull, whence they were transported to their ultimate destination ; but not until their victualling ships and stores had been destroyed by the English cruizers. The arrival of such a wretched reinforcement, instead of exhilarating, greatly damped the spirits of the highlanders, many of whose gentry had followed the viscount, in full expectation of being supported from the royal magazines, and had hitherto patiently endured their privations in the hope of soon reveling in plenty.

LXXXIX. Despising all discouragement, Dundee knew his fortune was staked upon the chance, and determined to hazard it ; and with that celerity of movement which distin-

* This occurrence has been repeatedly noticed as a remarkable instance of the principle of loyalty in highlanders overcoming their attachment to their chief. [Laing, vol. iv. p. 228 ; Stewart's Sketches of the character, manners, and present state of the Highlanders in Scotland, vol. i. p. 65, &c. &c.] I cannot view it at all in this light ; if any principle predominated, I believe it was the principle of plunder ; and as the emissaries of Dundee could hold out greater prospects in this species of warfare than Mackay or Murray, they were successful in seducing them ; besides, they probably represented the son as acting in opposition to the wishes of his father, which might easily gain credit, as the marquis was known at one time to have been attached to James. Dalrymple, vol. ii. p. 72. Simon Fraser, afterwards the notorious lord Lovat, then a youth, is said to have been the person who chiefly managed this revolt. [MS. Memoirs quoted by Dalrymple.]

guishes the mountaineers, anticipated Mackay, and relieved Blair. At the castle he learned that Mackay was advancing by the pass of Killicrankie, and was importuned by his officers to pre-occupy and defend it, as the great gathering was expected within two days, and they did not think it safe to risk an encounter with their present inferior numbers. But Dundee easily convinced them that a fairer opportunity for attack might perhaps never occur than when after Mackay had entered or gone through the defile, as he had then only two troops of horse, and the English dragoons—the only species of troops the highlanders feared—were not arrived. This celebrated pass, near the junction of the Tummel with the Garry, is formed by the lofty mountains impending over the Garry, which rushes below in a dark, deep, and rocky channel, so overhung with natural wood, that the river is almost indiscernible to the passenger, except by its thundering noise, or where its troubled waters appear dashing and foaming over the precipitous crag. Along this awful and gloomy passage, the only path was a narrow road that scarcely admitted of three men abreast, where, according to our ideas of warfare, nothing but extreme necessity could justify a general in leading his troops in the face of an active indefatigable enemy.

xc. Mackay had marched from Dunkeld, and was allowed to proceed without molestation. On emerging from the defile, he discovered the jacobite army on the opposite hills, and drew up his men as they arrived, along a narrow field which allowed him only to form three deep, and without any reserve. Dundee, who perceived himself in danger of having his flanks turned by the extended line of his opponent, arranged his men in solid columns according to their clans, that he might pierce through the enemy in several places at the same moment—a disposition which gave him the advantage of a lengthened front, and of a decidedly superior numerical force at the different points of attack.

xcī. These various operations consumed the greater part of the day; but contention among his own officers likewise tended to delay the movements of Dundee. The command of the cavalry was disputed. Sir William Wallace, on the morning of the day of battle, produced the king's commis-

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Pass of
Killicrankie.Mackay
proceeds
through it.Dundee's
operations.

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Battle of
Killicran-
kie.

sion as colonel of horse, and Dunfermline, who had brought the majority of this force, and had hitherto acted in that capacity, felt himself aggrieved, as did many other gentlemen, who considered themselves sharers in the affront; yet, rather than hurt what he considered the interest of his master, with a nobleness worthy of a better cause, the earl consented to serve in the ranks as a volunteer.

XCII. As soon as his order was complete, about an hour before sunset, [July 29,] Dundee descended to the attack. The highlanders sustained the fire of the enemy with great intrepidity without returning it, till they were close upon them—then discharging, they threw away their muskets, and rushed furiously forward with broad sword and targe. The weight and the impetus of their columns easily broke the feeble line of their opponents, who were almost instantly thrown into confusion, and when attacked individually, having no defence against the sword in the hand of a highlander, they were struck with an universal panic at the havoc made around them, and fled without resistance.* Dundee

* Mackay in his MS. memoirs gives the following description of the highlanders' method of attack: "The highlanders never fight against regular forces upon any thing of equal terms, without a sure retreat at their back, particularly if their enemy be provided with horse. And to be sure of their escape, in case of a repulse, they attack barefooted, and without any clothing but their shirts, and a little highland doublet, whereby they are certain to outrun any foot; and they will not readily engage where horse can follow to any distance. Their way of fighting is to divide themselves by clans, the chief, or some principal man being at their head, with some distance to distinguish them. They come on slowly till they be within distance of firing, which, because they keep no rank or file, doth ordinarily little harm. When their fire is over, they throw away their firelocks, and every one drawing a long broad sword, with his targe in his left hand, they fall a running towards the enemy, who, if he stand firm, they never fail of running with much more speed back again to their hills, which they usually take at their back, except they happen to be surprised by horse or dragoons marching through a plain or camping negligently.

"All our officers and soldiers were strangers to the highlanders' way of fighting, which mainly occasioned the consternation they were in; to remedy this for the future, having taken notice on this occasion, that the highlanders are of such a quick motion, that if a battalion keep up firing till they be near, to make sure of them, they rush upon it before one man can come to their second defence, which is with the bayonet, and withinside the muzzle of the musket. The general having observed this method, he invented the way to fasten the bayonet to the muzzle on the outside by two rings, that the soldiers might safely keep

himself charged at the head of his few horse the two English troops of Mackay, who scarcely stood the first shock. When these, to the highlanders, most formidable foes were dispersed, without attempting pursuit, he advanced to seize the artillery—three light leathern pieces. With his usual impetuosity, he outrode his followers, which Dunfermline observing, he sprung from the ranks with sixteen other volunteers, and captured the guns before the others arrived.

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XCIII. Mackay alone when deserted by his horse, forced his way to the right wing, where two regiments had maintained their ground: but these, amazed at the almost instantaneous route of their companions, remained fixed to the spot, and Dundee rode up to bring down to the charge a regiment (sir Donald Macdonald's) that had appeared tardy. While pointing the way with his arm extended, a random shot entered between the joints of his harness and mortally

Dundee
falls.

up their fire till they pour it into the enemy's breasts, and then have no other motion to make but to push it as with a pike."

This plain and satisfactory account of the usual manner in which the highlanders were wont to engage, although it takes away from Dundee the originality of the conception of breaking a long weak line by separate attacks in masses at different points, leaves him still the merit of appreciating its value, and of leading Mackay into a situation where it could be applied with the fullest effect. To Mackay belongs the invention of rendering the musket available as a pike, and of introducing that plan of receiving the swordsmen at the point of the bayonet, which gained the duke of Cumberland so much praise at the battle of Culloden.

As a counterpart to Mackay's soldier-like statement, it may not be amiss to place the following jacobite rhodomontade; it is a fair specimen of their ephemeral productions: "The highlanders threw away their plaids, haversacks, and other utensils, and marched resolutely and deliberately in their shirts and doublets, with their fusils, swords, targets, and pistols, running down the hill on the enemy, and received Mackay's *third* fire before they pierced his line, in which many of the highland army fell, particularly the lord viscount Dundee, their general, the terror of the whigs, the supporter of king James, and the glory of his country. Then the highlanders fired, threw down their fusils, rushed in upon the enemy with sword, target, and pistol, who did not maintain their ground two minutes after the highlanders ran among them." But now comes the tug of war. "I dare be bold to say, there were scarce ever such strokes given in Europe as were given that day by the highlanders, many of general Mackay's officers and soldiers were cut down through the skull and neck to the very breasts! Others had their skulls cut off above their ears like night caps! Some soldiers had both their bodies and cross belts cut through at one blow! Pikes and small swords were cut like willows, and whoever doubts of this may consult the actors of the tragedy." [Memoirs of the lord viscount Dundee.]

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wounded him. As he was riding off the field he fainted, and falling from his horse was caught in the arms of one of his attendants. When he recovered a little he asked how the day went? Johnstone, the person who caught him, answered, well for the king, but he was sorry for his lordship; the viscount replied it was the less matter for him, seeing the day went well for his master.* With the death

* King James in his memoirs says, Dundee, "when crossing over the plain to give some orders on the left where the enemy made the most opposition, was most unfortunately killed by a random shot;" and on this passage the Rev. editor, Clarke, has the following note. "This appears to be a mistake, lord Dundee did not die until the next morning, and after the battle wrote the following letter to JAMES THE SECOND; Macpherson has inserted it (vol. i. p. 372,) from Nairne's papers. Sir—It has pleased God to give your forces a great victory over the rebels, in which three-fourths of them are fallen under the weight of our swords. I might say much of this action if I had not the honour to command in it; but of 5000 men, which was the best computation I could make of the rebels, it is certain there cannot have escaped above 1200 men. We have not lost full out 900. This absolute victory made us masters of the field and the enemy's baggage, which I gave to the soldiers; who, to do them all right, both officers and common men, highlands, lowlands, and Irish, behaved themselves with equal gallantry, to whatever I saw in the hottest battles fought abroad by disciplined armies; and this M'Kay's old soldiers felt on this occasion. I cannot now, sir, be more particular, but take leave to assure your majesty, the kingdom is generally disposed for your service, and impatiently wait for your coming: and this success will bring in the rest of the nobility and gentry, having had all their assurances for it except the notorious rebels. Therefore, sir, for God's sake assist us, though it be with such another detachment of your Irish forces as you sent us before, especially of horse and dragoons; and you will crown our beginnings with a complete success, and yourself with an entire possession of your ancient hereditary kingdom of Scotland. My wounds forbid me to enlarge to your majesty at this time, though they tell me they are not mortal. However, sir, I beseech your majesty to believe, whether I live or die, I am entirely yours—DUNDEE."

This letter, which bears internal evidence sufficient to raise suspicions—in the request of reinforcements and in the signature—Dundee always spelling his name Dundie, not as now modernized—imposed also upon Mr. Laing, although not over-credulous with regard to Macpherson, and he says of Dundee, that "he survived to write a concise and dignified account of his victory to James." Hist. vol. iv. 231. The time when the viscount received the fatal shot has since been made a subject of dispute, and because James says, in a letter to Stewart of Ballechin, who commanded the Athole-men after their desertion, "if their courage and yours, and the rest of the commanders under you were not steady, the loss you had in a general you had loved and confided in *at your entrance into action* with so great inequality of numbers, was enough to baffle you; but you have showed yourself above surprise," &c. It has been alleged that he was shot in the beginning of the action, Stewart's Sketches,

of the chief, who seems to have survived but a few minutes, all order ceased among the victors. No ruling spirit remained to direct or restrain them; they flew to the baggage and the plunder, and suffered the fugitives to reach places

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vol. i. p. 66. That James himself believed it to have been at the close, appears from the following sentence in his memoirs:—"When the news of this misfortune came to the king, it gave him a great occasion of adoring providence and contemplating the instability of human affairs, where one single shot from a routed and flying army decided on all appearance the fate of more than one kingdom." But if the engagement did not last above a quarter of an hour, or as the writer of his memoirs says, two minutes, until Mackay's lines were routed and broken, it seems a little too hypercritical to attempt, from an expression in king James's letter, to affix the precise moment of his fall. From the evidence in the minutes of parliament, which corroborate Balcarras, I think it is evident that his death must have taken place as stated in the text, and I am therefore convinced that the letter produced by Macpherson is a forgery; because it appears plain that whether he fell at the beginning or the middle of the engagement, he never lived to know the result, and consequently was not very likely to write his majesty "a concise and dignified account of his victory." Since writing the above, I find my opinion coincides with that of the editor of Dundee's letters, published by the Bannatyne club, who has the following note on the subject. "This letter was printed by Macpherson, from a document said to have been discovered among the Nairne papers. *Original Papers*, vol. i. p. 372. As it has hitherto been received as genuine, I have admitted it into this collection; yet I must own that I entertain great doubts with respect to its authenticity. Independently of the negative evidence afforded by the silence of all the cotemporary writers at the existence of such a document, and particularly by that of king James, to whom it is addressed, and to whom, if it had reached Mr. Nairne, it must have been communicated, there appears to me to be positive evidence of its falsehood, as Dundee is proved to have died upon the field immediately after he received his wound. King James, in the history of his own life, says, that lord Dundee, "when crossing over the plain to give some orders on the left where the enemy made the most opposition, was most unfortunately killed by a random shot." *Clarke's Life of James II.* vol. ii. p. 352. Father Hay, who was also a cotemporary, and who describes lord Dundee as his "particular friend," expresses himself in terms exactly similar. He says that "the late viscount of Dundee was killed at Killcranky, in the beginning of that famed battle." *Hay's Collections*, vol. ii. p. 55, MS. Advocates library. Crawford in his *Peerage*, which was published in 1716, states that his lordship received a shot of a musket ball in his right side, of which he instantly expired, p. 117. Lord Balcarras, although he does not expressly say that Dundee died on the spot where he fell, affirms that his body was stripped there; and it can hardly be supposed that this would have been done, had he been still alive. His words are, "Next day after the fight, an officer riding by the place, where my lord Dundee fell, found lying there a bundle of papers and commissions which he had about him; those who stripped him thought them but of small concern, that they left them there lying." *Memoirs*, p. 108. My friend, Mr. Kirkpatrick Sharpe, has communi-

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Mackay es-
capes to
Stirling.

of safety, when one short continued exertion would have placed the whole beyond the means of escape. As night descended Mackay led off in silence the two regiments that had remained comparatively unbroken, but who did not dare to take advantage of the scattered and undisciplined thoughtlessness of their spoilers. He crossed the river at the bottom of the defile, and continued his flight across the mountains for two days, towards Stirling. The numbers who fell have never been accurately stated; but it is certain that the highlanders lost few in comparison of the others, who, by a rough computation, are said to have left two thousand on the field, and five hundred prisoners. A rude stone was erected on the spot to commemorate the victory; and the high colouring of poetry and romance has been introduced into history to emblazon the memory of the conqueror, as if it were

cated to me a curious MS. note upon this passage, which occurs in a copy of Lord Balcarras' Memoirs in the library of Christ Church, Oxford, and which, although it contradicts his lordship's statement relative to the discovery of the papers, affords additional evidence in support of the opinion that Dundee was killed upon the field. "N.B. I spoke with some that were at that fight, and saw the viscount of Dundee's corpse naked upon the ground, and was of the number that wrapt it in a plaid, and brought it off the field to the Blair of Athole; they said they saw no papers, nor was there any such rumour amongst them; so that I suspect this passage was not in Balcarras' original narrative, but interpolated by the gentleman that first brought it from France, who, they said, was Cockburn of Ormiston, justice clerk at that time." The depositions of the witnesses who were examined before the parliament, in the process of treason, seem also to confirm the notion that Dundee died immediately after he received his wound, and that he was not carried from the field alive. James Osborne depones, "That he saw the viscount of Dundee at the fight of Kelachranky, and saw a dead body which was said to be the viscount's body, wrapped up in a pair of highland plaids after the said fight." James Malcolm, son to the laird of Balbedie, depones, "That he saw the said late viscount of Dundie lying dead of the wounds he had received that day in the fight." Lieutenant John Nesbit depones, "That when the deponent was prisoner at the castle of Blair in Athole, after the fight at Kellachranky, several persons came to the room where the deponent was, and said that the said viscount's body was interred; and remembers particularlie that one, named Johnstoun, told the deponent that he had caught the viscount as he fell from his horse, after his being shot at the said fight, the viscount then asking the said Johnstoun, how the day went? and that he answered, The day went weel for the king, (meaning king James,) but that he was sorry for his lordship: and that the viscount replied, It was less matter for him, seing the day went weel for his master." (*Acts of Parliament 1690, Append. pp. 56—58.*)

possible to efface from the remembrance of his countrymen, or the annals of his country, that this same hero, Dundee, was none other than the unfeeling, heartless assassin, Claverhouse, whose cold-blooded murders deserved to have been expiated by another kind of death:—yet what death can be more dreadful than for the man of blood to be hurried into eternity “with all his crimes unwhipt of justice,” amid the exultation of victory, and the anticipation of its honours?*

xciv. He appears to have been stript on the spot where he fell, and the body afterwards carried to Blair, wrapped in a highland plaid; but a bundle of papers was found near the place, one of which was little calculated to exalt either his character or his cause. It was a letter from Melfort addressed to him, accompanying a declaration from James, promising not only indemnity but toleration; in which he stated, that notwithstanding the ample promises made by the king, yet the terms were so equivocal that his majesty might revoke or annul them at pleasure, and did not consider himself bound by them. The letter was suppressed, but not before its contents had been sufficiently exposed to destroy every doubt respecting the ex-king's insincerity, and exhibit the total want of that high sense of honour among his adherents, of which they made such vaunting profession.

xcv. The news of Mackay's defeat, exaggerated by the fugitives, who, to excuse themselves, represented affairs as desperate, spread the utmost consternation at Edinburgh; the jacobites magnified the number of their associates, and a party on the borders were represented as ready to meet Grahame on his advance south; there were no other force to stop his victorious career, and in this dilemma government is said to have hesitated whether to retire to England or to the western counties;—but a short time put an end to their dubiety. Cannon, who succeeded to the command, neither possessed the confidence of the troops nor the abilities of their late leader; they hated him as a

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Letter from
Melfort
found a-
mong Dun-
dee's pa-
pers.

Consterna-
tion of the
govern-
ment.

* Depositions in the process of treason against the viscount Dundee and his accomplices. Appendix to Scottish Acts, v. ix. pp. 54, *et seq.* Balcarras. Mackay's Memoirs, pp. 320, *et seq.*

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Cannon's
inactivity.A party
sent by him
to Perth
surprised.Manœuv-
ring be-
tween him
and Mac-
kay.Cannon re-
solves to
attack the
Cameron-
ian regi-
ment.

stranger, nor was his military character calculated to inspire either confidence or respect. Instead of following up his victory by a rapid descent into the lowlands, he remained among the hills, although reinforced, till his enemy had recovered from their panic, and were prepared to act upon the offensive. His very first attempt was defeated; and considered as an unlucky omen, was more ruinous in the impression which it produced than in the extent of the mischief itself. When he reached Dunkeld, having heard that a depot of provisions was left unprotected at Perth, he ordered a detachment to seize and bring them off; the party succeeded in securing their object, but remaining too long in the town, were themselves surprised by a squadron of horse Mackay had, immediately on hearing of Dundee's death and the halt of his army, dispatched from Stirling to preserve his magazines. He had still, however, upwards of three thousand men; but Mackay had collected his forces, and with a more numerous cavalry had advanced to observe him; yet afraid to trust himself again among the hills, he traversed the plain country, and watched the motions of his adversary, who, without cavalry, was equally unwilling to adventure his highlanders on level ground. In this manner the two generals marched and countermarched for nearly a month, exchanging bravadoes, and skirting the highlands, each unwilling to forego his advantages, or unable to gain, by any masterly manœuvre, superiority over the other, till at last Cannon about the middle of August, determined to strike a decisive blow.

xcvi. Having learned that the Cameronian regiment were stationed in Dunkeld, at a distance from the rest of the army, he imagined it would be no difficult matter to overwhelm them with his numbers. This regiment appears to have been viewed with suspicion by the government, and with hatred by the jacobites. "They were posted there," says Mackay in his memoirs, "separate from all speedy relief, and exposed to be carried by assault without the least prospect of advancement to the service; but an assured expectation of being attacked, because the enemy had not such prejudice at any of the forces as at this regiment, whose opposition against all such as were not of their own sentiments

made them generally hated and feared in the northern counties. According to Balcarras, the whole regiment, amounting to twelve hundred men, were present; but their own accounts state them as not exceeding eight hundred, a party of four hundred having previously been ordered to Lorn and Cantyre to guard the west coast from invasion.

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xcvii. This battle, more stiffly contested, and gained under circumstances of far greater difficulty than that of Killcrankie, decided the war in Scotland. Yet, although distinguished as a military achievement, in which the genius of a young and brave commander, with a few raw half-trained companies of volunteers, met and triumphed over an army five times their number, composed of those very highlanders whose onset was so tremendous to the veterans of Mackay, and where the courage of the men was as conspicuous as the conduct of the officers—and although adorned by the fall of as gallant a captain as ever led a band of self-devoted heroes to victory, this action has been generally dismissed in a few sentences, and has not found that prominent station in our history to which its brilliance as well as its importance gave it a right. I therefore cannot pass it over with a slight notice.

Battle of
Dunkeld.

xcviii. The Athole-men who had informed Cannon of the perilous state of lord Angus's regiment, appeared on the heights [August 17th] to alarm and harass them till his arrival; but Clelland, their lieutenant-colonel, by intermingling his musketeers with halberdiers and pikemen, presented a front which the furious attack of the highland broadsword found it not always possible to penetrate; and supported by a few horse, perhaps, double their number of clansmen would have with difficulty shaken them. But after the first repulse of the stragglers, the news of Cannon's approach caused lord Cardross to be recalled to Perth to protect that town; yet so defective was the general intelligence, that sir John Lanier, who had come to Brechin, knew nothing of the perilous situation of the Cameronians, nor of the advance of the enemy's army. Left, however, to his own resources, Clelland would not desert the station; and when it was proposed to him to retire, he declared that though left alone he was determined to maintain it—but his

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Account of
it by the
Cameron-
ian offi-
cers.

soldiers were not men to be appalled by danger, if they conceived their post the post of duty. With consummate skill he placed his parties, and improved the slender advantages he possessed; and when the enemy appeared he found him armed at all points. An account is preserved drawn up from the communications of the officers themselves; any attempt to abridge would destroy the graphic effect of their simple narrative; I shall therefore employ their own language:—

xcix. “The said regiment being then betwixt seven and eight hundred men, arrived at Dunkeld on Saturn-day night, the 17th of August 1689, under the command of lieutenant-colonel William Clelland, a brave and singularly well-accomplished gentleman within twenty-eight years of age. Immediately they found themselves obliged to ly at their arms, as being in the midst of their enemies. Sunday, at nine in the morning, they began some retrenchments within the marquis of Athole’s yard-dykes, the old breaches whereof they made up with loose stones, and scaffolded the dykes about. In the afternoon, about three hundred men appeared upon the hills on the north side of the town, who sent one with a white cloth upon the top of a halbert, with an open unsubscribed paper in the fashion of a letter, directed to the commanding officer, wherein was written as follows:—‘We the gentlemen assembled, being informed that ye intend to burn the town, desire to know whether ye come for peace or war, and do certifie you, that if ye burn any one house we will destroy you.’ The lieutenant-colonel Clelland returned answer in writ to this purpose:—We are faithful subjects to king William and queen Mary, and enemies to their enemies; and if you who send these threats shall make any hostile appearance, we will burn all that belongs to you, and otherwise chastise you as you deserve.’ But, in the mean time, he caused solemnly proclaim in the mercat-place, his majesty’s indemnity in the hearing of him who brought the foresaid paper.

“Monday morning, two troops of horse and three of dragoons arrived at Dunkeld under command of the lord Cardross, who viewed the fields all round and took six prisoners, but saw no body of men, they being retired to the woods.

Munday night, they had intelligence of a great gathering by the fiery cross, and Tuesday morning many people appeared on the tops of the hills, and they were said to be in the woods and hills about Dunkeld more than one thousand men. About eight of the clock, the horse, foot, and dragoons made ready to march out, but a detached party was sent before of forty fusiliers and fifteen halberters under command of captain George Monro, and thirty horse with sir James Agnew, and twenty dragoons with the lord Cardross his own cornet; after them followed ensign Lockhart with thirty halberters. The halberts were excellent weapons against the highlanders' swords and targets, in case they should rush upon the shot with their accustomed fury; they marched also at a competent distance before the body. One hundred fusiliers were under the command of captain John Campbell, and captain Robert Hume, two brave young gentlemen; and upon the first fire with the enemy, captain Borthwick and captain Harris, with two hundred musketeers and pikes, were likewise commanded to advance towards them, the lieutenant-colonel having proposed by that method to get advantage of the enemy in their way of loose and furious fighting; the body followed, having left only one hundred and fifty foot within the dykes.

Continued.

“The first detached party, after they had marched about two miles, found before them in a glen betwixt two and three hundred of the rebels who fired at a great distance, and shot cornet Livingstone in the leg. The horse retired, and captain Monro took up their ground, and advanced firing upon the rebels to so good purpose, that they began to reel and break, but rallied on the face of the next hill, from whence they were again beat. About that time the lieutenant-colonel came up and ordered captain Monro to send a serjeant with six men to a house on the side of a wood, where he espyed some of the enemies. Upon the serjeant's approach to the place about twenty of the rebels appeared against him, but he was quickly seconded by the captain, who beat them over the hill, and cleared the ground of as many as appeared without the woods, and, upon a command sent to him, brought off his men in order. Thereafter, all the horse, foot, and dragoons, marched to Perth, the lord Cardross, who

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commanded them, having received two peremptory orders for that effect. The second was sent to him upon his answer to the first, by which answer he told they were engaged with the enemy, and it was necessary he should stay.

“ In that action three of captain Monro’s party were wounded, one of which died of his wounds. William Sandilands, a cadet, nephew to the lord Torphichen, and a very young youth, being of that party, discharged his fusee upon the enemy eleven times. The prisoners taken the next day told the rebels lost about thirty men in that action. After the horse and dragoons were marched, some of the officers and soldiers of the earl of Angus’s regiment proposed that they might also march, seeing they were in an open useless place, ill provided of all things, and in the midst of enemies growing still to greater numbers ;—the vanguard of Cannon’s army having appeared before they were off the field. The brave lieutenant-colonel, and the rest of the gentlemen offi-

Continued. cers amongst them, used all arguments of honour to persuade them to keep their post ; and for their encouragement, and to assure them they would never leave them, they ordered to draw out all their horses to be shot dead. The souldiers then told them they needed not that pledge for their honour, which they never doubted ; and seeing they found their stay necessar, they would run all hazards with them.

“ Wednesday, with the morning’s light, the rebels appeared standing in order covering all the hills about—for Cannon’s army joined the Athole-men the night before, and they were repute in all above five thousand men. Their baggage marched amongst the hills towards the west, and the way that leads into Athole, consisting of a train of many more than a thousand horses. Before seven in the morning their cannon advanced down to the face of a little hill, close upon the toun, and one hundred men, all armed with back, breast, and head piece, marched straight to enter the town, and a battalion of other foot close with them. Two troops of horse marched about the town and posted on the south-west part of it, betwixt the foord of the river and the church, and other two troops posted on the north-east of the town near the cross, who, in the time of the conflict, showed much

eagerness to encourage and push on the foot. The lieutenant-colonel had before possessed some outposts with small parties, to whom he pointed out every step for their retreat. Captain William Hay and ensign Lockhart were posted on a little hill, and the ensign was ordered with twenty-eight men to advance to a stone dyke at the foot of it. They were attacked by the rebels who were in armour, and the foresaid other battalion. And after they had entertained them with their fire for a pretty space, the rebels forced the dyke, and obliged them to retire firing from one little dyke to another, and at length to betake themselves to the house and yard-dykes; in which retreat captain Hay had his leg broken, and the whole party came off without any more hurt. A lieutenant was posted at the east end of the town with men, who had three advanced sentinels, ordered, upon the rebels close approach, to fire and retire, which accordingly they did; and the lieutenant, after burning some houses, brought in his party. Lieutenant Stuart was plac'd in a baricado at the cross with twenty men, who, seeing the other lieutenant retire, brought his men from that ground, and was killed in the retreat, there being a multitude of the rebels upon them. Lieutenant Forrester and ensign Campbell were at the west end of the town, within some little dykes, with twenty-four men, who fired sharply upon the enemies' horse, until great numbers of foot attacked their dykes, and forc'd them to the church, where were two lieutenants and about one hundred men.

“ All the outposts being forced, the rebels advanced most boldly upon the yard dykes all round, even upon those parts which stood within less than forty paces from the river, where they crowded in multitudes without regard to the shot liberally poured in their faces, and struck with their swords at the souldiers on the dyke, who, with their pikes and halberts, returned their blows with interest. Others, in great numbers, possess the town houses, out of which they fired within the dykes, as they did from the hills about; and by two shots at once, one through the head and another through the liver, the brave lieutenant-colonel was killed, while he was visiting and exhorting the officers and souldiers at their several posts. He attempted to get into the house, that the

Clelland
killed.

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souldiers might not be discouraged at the sight of his dead body, but fell by the way. And immediately thereafter major Henderson received several wounds, which altogether disabled him, and whereof he died four days after. Captain Caldwal was shot in the breast, and is not like to recover; captain Borthwick was shot in the arm going with succours to the church; and captain Steil got a wound in the shoulder, which he caused pance and returned again to his post. The lieutenant-colonel being dead, and the major disabled about an hour after the action began, which was before seven in the morning, the command fell to captain Monro, who left his own post to lieutenant Stuart of Livingstone. And finding the souldiers galled in several places by the enemies' shot from the houses, he sent out small parties of pikemen with burning faggots on the points of their pikes, who fired the houses, and when they found the keys in the doors lockt them and burnt all within, which raised a hideous noise from these wretches in the fire. There was sixteen of them burnt in one house, and the whole houses were burnt down except three, wherein some of the regiment were advantageously posted. But all the inhabitants of the town, who were not with the enemy or fled to the fields, were received by the souldiers into the church and sheltered there. Notwithstanding all the gallant resistance these famous rebels met with, they continued their assaults incessantly until past eleven of the clock. In all which time there was continued thundering of shot from both sides, with flames and smoake and hideous cryes filling the air: and which was very remarkable, though the houses were burnt all round, yet the smoake of them and all the shot from both sides, was carried every where outward from the dykes upon the assailants, as if a wind had blown every way from a centre within.

“At length the rebels, wearied with so many fruitless and expensive assaults, and finding no abatement of the courage or diligence of their adversaries, who treated them with continual shot from all their posts, they gave over and fell back, and run to the hills in great confusion. Whereupon they within, beat their drums and flourished their colours, and hollowed after them with all expressions of contempt

and provocations to return. Their commanders assayed to bring them back to a fresh assault, as some of the prisoners related, but could not prevail, for they answered them they could fight against men, but it was not fit to fight any more against devils. The rebels being quite gone, they within began to consider where their greatest danger appeared in time of the conflict; and for rendering their places more secure, they brought out the seats of the church, with which they made pretty good defences; especially they fortified those places of the dyke which were made up with loose stones—a poor defence against such desperate assailants. They also cut down some trees on a little hill, where the enemy galled them under covert. Their powder was almost spent, and their bullets had been spent long before, which they supplied by the diligence of a good number of men, who were employed in the time of action in cutting lead off the house and melting the same in little furrows in the ground, and cutting the pieces into slugs to serve for bullets. They agreed that in case the enemy got over their dykes, they should retire to the house, and if they should find themselves overpowered there, to burn it and bury themselves in the ashes. In this action, fifteen men were killed besides the officers named, and thirty wounded. The amount of the enemy's loss is uncertain; but they are said to be above three hundred slain, amongst whom were some persons of note.

“That handful of unexperienced men was wonderfully animated to a stedfast resistance against a multitude of obstinate furies; but they gave the glory to God, and praised him and sung psalms, after they had fitted themselves for a new assault.”

A repulse so unexpected and severe entirely disheartened the clans, and destroyed their confidence in Cannon, who retired North, with numbers daily decreasing; nor was there any show of an attempt made again during the year.

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THE HISTORY OF SCOTLAND.

Book XX.

William and Mary.—Remonstrance to the King.—Defence of his conduct.—Sir James Montgomery's plot for a Counter Revolution.—Plan of the Conspiracy.—Montgomery proposes a coalition between the Presbyterians and Jacobites.—Their measures to secure a majority in Parliament. Tarbet entrusted to treat with the clans, betrays his trust.—Parliament.—The King's concessions disappoint the Jacobites.—Montgomery's motion for the establishment of Presbytery adopted.—He receives Commissions, &c. from James.—His deceit dissolves the conspiracy.—James' adherents surprised at Cromdale.—The conspirators endeavour to make their peace.—Annandale's confessions.—He betrays Payne, who is put to the torture.—Effects of the plot on all parties.—Parliament.—Presbytery re-established.—Petition of the episcopal party refused by parliament.—Improvements in the Representation.—Forfeitures since Pentland repealed.—Patronage abolished.—General Assembly.—Regulations respecting planting of Ministers and the funds of the Church.—New oath of allegiance to William and Mary.—Resolutions of Assembly respecting Conformists.—Cameronian Ministers received into the Church.—Grounds on which Episcopal Ministers are deprived of their livings.—Change of Ministry.—Assembly hesitates at receiving the Curates, &c.—Its hasty dissolution.—Protest against it.—Breadalbane's negotiations with the clans.—Highlanders required to submit before a certain day.—All submit except Glenco.—Sufferings of Dundee's and Buchan's officers on the Continent.—Massacre of Glenco.—Another conspiracy defeated by the battle of La Hogue.—Distractions in the Scottish government.—Parliament—abuses reformed by it.—Acts regarding the church and oath of allegiance unsatisfactory.—General Assembly.—Members refuse the oath of allegiance.—Carstairs' representation to the king.—The oath dispensed with.—Conformed ministers admitted.—People dissatisfied with William joining the league against France.—Death of Queen Mary, 1689—1695.

BOOK XX.

William
III. and
Mary II.
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I. THE successful termination of the highland campaign did not give stability to the government, nor tranquillity to the country. The discontent occasioned by the abrupt close of the first unsatisfactory session of parliament, was farther increased by its frequent prorogations, which left the most ma-

terial grievances unredressed, and threw a doubt and uncertainty over the final adjustment of the constitution. Of this the disappointed and the factious took advantage, and kept popular discontent alive, that they might in the fluctuating state of public affairs obtain that rank and station which in the quiet and regular course of a settled administration they could not hope to reach. Sir James Montgomery, who had headed "the club" or parliamentary opposition, fomented by his intrigues the elements of commotion, and notwithstanding the recess, prevailed upon a majority of the members to concur in a remonstrance to the king, enumerating in the language of respectful reproach their causes of complaint, accusing his majesty of evading the claim of rights, and of choosing his confidential advisers from among their former oppressors. The king replied by publishing his instructions to his commissioner;* and his friends vindicated his conduct

Remon-
strance to
the king.

* Instructions to our right trusty and right entirely beloved cousin and councillor, William Duke of Hamilton, our commissioner for holding the first session of our next ensuing parliament of the ancient kingdom of Scotland. 1. You are to pass an act for turning the meeting of estates into a parliament: and the three estates are to consist of the noblemen, barons and burgesses. 2. You are to pass an act for regulating the articles, to consist of twenty-four persons, besides the officers of state, whereof eight are to be chosen by the noblemen of their estate: eight by the barons, and eight by the burgesses of their estate: and in case of the decease of any of these persons, that estate out of which the person deceased shall supply the same: these are to prepare matters and acts for the parliament, but not to exclude the parliament to take any matters into their consideration, though it hath been thrown out or rejected in the articles; and all former acts, especially the first act parliament, 1st Charles II. sess. 38. inconsistent with this are to be rescinded. 3. You are to pass an act recognizing our, and the queen's royal authority and right of the crown: ordaining an oath of allegiance to be taken in place of all former oaths of allegiance and supremacy, declarations and tests. 4. You are to pass an act establishing the church government which is most agreeable to the inclinations of the people, rescinding the act of parliament 1669, and all other acts inconsistent therewith. 5. You are to endeavour to pass an act for raising such a supply as may be necessary for securing the kingdom from present danger and foreign invasion. 6. You are to pass an act that forfeitures shall only be extended to such interest as the rebel had, and that innocent vassals, or lawful creditors for debt shall not be prejudged, nor such heirs of entail, whose rights of succession are established by a public infestment. 7. You are to pass an act either to take away assizes of error, or otherwise that they take place as well against a jury that condemns, as a jury that assoilzies any pannel. 8. You are to pass an act rescinding the 18th of parliament 1681, asserting the prerogative in point of jurisdiction. 9. You are to pass an act regulating the abuses in the commissary court, and all other inferior courts. 10. We are sa-

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by exhibiting the blessings which the revolution had produced. “In England, the operation of a constitution favourable to the subject had only been interrupted :—in Scotland a consti-

tisfied that an act should be passed for securing the lieges against injuries by way of inquisition, but in respect of the present juncture of affairs this matter would be well considered by the parliament ; and therefore when the terms of this act shall be adjusted, you are to transmit the same to us that we may give you particular instructions thereanent. 12. You are to pass an act rescinding such acts as were made in parliament 1685, as are justly grievous to the people. 13. You are to pass an act that no person be banished out of the kingdom, or from any part thereof summarily without a process. 14. You are to pass an act that the kings or queens of that realm shall not marry with papists, under this certification, that a popish queen consort, or the husband of a sovereign queen, shall be incapable to enjoy the benefit or advantage of any provisions or settlements which the law provides, or particular contracts or acquirements may have secured to them. 15. You are to pass an act that the greater shires of that kingdom, such as Lanark, Air, Perth, Fyfe, Aberdeen and Mid Lothian, or others where it shall be found convenient, may send three or four commissioners to parliament that the representation may be the more equal. 16. You are to pass an act ratifying the privileges of the burroughs, and securing their rights in electing of their own magistrates for the future, and that the burroughs of Glasgow and St. Andrews shall have the electing of their own provosts, baillies, and town council, as the other royal burroughs of the kingdom have. 17. You are to endeavour to procure an act or acts for the encouragement of trade, and if the 27th act of parliament 1663 be found inconvenient, it may be regulated or rescinded, and when the proposals are adjusted, you are to transmit them to us that you may receive our instructions thereanent. 18. You are to pass an act for regulating universities, so as good order and discipline may be preserved, and that pious and learned persons may be employed and provided. 19. You are to pass an act against a standing army in time of peace, but so as the guards, garrisons, and necessary standing forces may be continued. 20. You are from time to time to adjourn the parliament as you shall find necessary, and in respect the meeting to be convened upon the 3d day of June, which is appointed for the first dyet. Therefore after passing the first act of turning them into a parliament, you are to adjourn them to the 17th day of the month. 21. You are empowered to confer the honour of knighthood upon such persons as you shall find deserving of the same, not exceeding the number of six.

You have particular instructions anent what is represented to us as grievances, if there be any other things that may be necessary for the good of the kingdom to be passed into laws, you are to acquaint us from time to time with such overtures that you may be authorized with particular instructions thereanent.

Given under our royal hand and signet at our court at Copt-Hall the 31st day of May 1689, and of our reign the first year.

By his majesty's command,

MELVILLE.

tutional tyranny legalized by statute had been overthrown, and the royal absolute power in church and state, in taxation and in trade, which ten years had established was uprooted. They stated that to the king they were indebted for breaking those bands they themselves had forged, and if he had not been enabled to confer all the benefits he wished, it was because his intentions were thwarted by domestic faction. His ministers he had chosen either from among those who had suffered in the cause of their country or by their advice, nor could he, a stranger to the parties that divided his kingdom, be guided by any other rule than that of trusting those whom he had tried, till he became acquainted with others more worthy of his confidence."*

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His conduct defended.

II. The remonstrance was presented to the king by Montgomery, Annandale, and Ross, who came to London in opposition to his majesty's injunctions, and were received with such marked displeasure, that in despair of regaining the royal confidence or favour, they were ready to enter upon the wildest and most fantastical schemes for distressing the government and maintaining their own consequence. William's intention of going to Ireland suggested the idea of conspiring against the revolution they had contributed to produce; and forgetting the entire difference of circumstances, they imagined they could with the same facility bring back an old, as they had introduced a new king. Sir James, with whom the project originated, first communicated it to his brother-in-law, the earl of Annandale, who had been neglected in the distribution of favours, and shared with himself the chagrin of disappointed expectation;—Ross, who also considered his merit and services not sufficiently appreciated, was next acquainted with the scheme; and both were persuaded by Montgomery that the honours and rewards from which they were excluded by the ingratitude of William, might be obtained by returning to the allegiance due to their lawful king. The counter-revolution he proposed to effect in a parliamentary way; and so plausible did his plan appear, that he was strongly encouraged by the ex-king's partisans in London, and received from them a considerable sum of

Sir James
Montgomery plots
a counter-
revolution.

* Account of the Affairs of Scotland.—Lond. 1690.

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money, which had been transmitted to England by James's queen, to forward the business.* Having assumed Ferguson the plotter, and Mr. Neville Paynet† as under agents, the one was intrusted with the home intrigues—the other managed the foreign correspondence.

Plan of the
conspiracy.

Arran ne-
gotiates
with James'
friends in
London.

III. It is uncertain how widely the conspiracy extended in England—but suspicion attached to some of the first rank and highest confidence about the king;‡ and preparations for insurrection were said to have extended over Lancashire, Worcester, Westmoreland, and the capital. The appearance of a French naval force in the channel was to have been the signal for revolt; and a simultaneous rising was to have taken place in the highlands of Scotland and on the borders, while it spread alarm at different points to distract the attention of the queen and council, and to prevent the king with his army from getting out of Ireland. In the midst of these confusions James was to be transported from Ireland to France, and thence to England, with one body of troops, French and Irish, while another division of Irish alone, was to land on the nearest point in Scotland. An attempt—but in vain—was made to draw in the English whigs; but the earl of Arran, then a prisoner in the Tower, managed a negotiation with the suspended bishops and the other partisans of the late king, the principal of whom was lord Clarendon. As the first act, however, was to be performed in Scotland, effectual application was made for Arran's liberty, who, in return for the favour, repaired to Edinburgh to pre-

* Sir James got eleven hundred guineas from Mr. Ashton to advance the interest of James, which he intrusted to the care of the marquis of Athole to carry down, who seems to have kept it. Balc. p. 82.

† Balcarras, in his dry sarcastic manner remarks,—“nor were there ever two better matched than Mr. Payne and sir James Montgomery. For Mr. Payne made him believe that he could dispose both of titles of honour, employments, and money, as he pleased; and the other, in turn, made him believe he was able to twirl the whole nation round his thumb with a speech.

‡ After the discovery of the plot, the marquis of Caermarthen, writing to king William, says—“it now appears that he [sir James Montgomery] hath only cheated the commissioner, thereby to secure himself from being taken, whilst he negotiates with his confederates here, who have made some of themselves appear, by refusing to sign my lord Ross his commitment.” Those who refused to sign were the duke of Bolton, the marquis of Winchester, lord Devonshire, and lord Montague. Dalrymple's Mem. vol. iii. app. p. 66.

pare for the opening of the parliament. The marquis of Athole, duke of Queensberry, viscount Tarbet, and several others of the Scottish nobility who were at London, soliciting on their own account or that of the public, indignant at the apparent neglect which they experienced, were assailed in their moments of irritation, and induced to accede to this party: and on their arrival at the Scottish capital, made it resound with their exclamations against the ingratitude of the king, and the treatment they had met with. The jacobites rejoiced at the dissensions which broke up the revolutionists; and insinuating themselves into their parties, by assuming the language of patriotism, promoted their exasperations, expecting from their disunion to advance the interest of James; but they were unacquainted with their designs, and it was not till Annandale made advances to Balcarras and Dunmore, who were imprisoned in Edinburgh castle, that they had any participation in the conspiracy.*

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Athole, &c.
join in the
plot.

iv. Never, perhaps, in the history of coalitions did any thing so monstrous occur as what Montgomery now proposed;—a junction between the presbyterians and the jacobites, for the purpose of establishing presbytery under the sanction of a monarch who had been dethroned only a twelvemonth before for being a papist! A correspondence had been opened by the three first conspirators with the exile-king, who readily granted the whole of their demands. He agreed to settle presbytery in its most rigid form, to grant a general

A coalition
proposed.

* There is a confusion in the different accounts of this plot, which I am not able to dispel. It strikes me there were two distinct plots going forward at the same time—one by the jacobites for rising in conjunction with a foreign force, and endeavouring, by the aid of France, to play a game similar to what the whigs had done with the aid of Holland; another by Annandale for overturning the government by domestic embarrassment, without the assistance of foreigners at all:—but mutually suspicious, they only communicated to each other so much of their designs as they could not conceal; and thus a mongrel kind of conspiracy was produced, which necessarily failed, from the discordant materials of which it was composed. None of the conscientious presbyterians—those who truly merited the name of “fanatics,”—appear to have been acquainted with either of the plots; and joined Annandale only in so far as they thought his violent measures would oblige William to confirm their religious establishment. Balcarras, Annandale’s Confession, James’s Memoirs, &c. ut supra.

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James de-
ceives both
parties.

indemnity, with the exception only of six,*—raised Annandale to a marquisate—appointed him commissioner and captain of Edinburgh castle—created Ross an earl and colonel of the horse guard—elevated Montgomery to the same rank, and nominated him his secretary for Scotland. But the correspondence was concealed from both the jacobites and the presbyterians, excepting the few immediately concerned; for James was afraid, if his old adherents were apprized of the favours intended for his new friends, they might be disgusted at the preference; and Montgomery, dreading the jealousy of his associates, did not communicate to them the monopoly he intended to secure for himself of his prince's favour. The jacobites knew that a correspondence had commenced with the ex-king, that he approved of the design and wished them to concur;—but knew no more: few only of the professing presbyterians were aware of any project for a recall—the generality were to be led on by degrees. It was intended to propose to parliament the exclusive establishment of their religion in its most rigid form, with which they knew William would never comply; and when their minds were heated with his refusal, to propose an application to the late king, or procure the concessions he had already granted; but the whole opposition were strenuously to resist granting any supplies till their demands were satisfied, which Montgomery undertook to make so extravagant as to prevent their being listened to:—meanwhile the army, amounting to ten thousand, would be necessarily disbanded, and the government left at the mercy of a majority of the estates in parliament.

v. To secure this majority, it was necessary that the jacobites should return to their seats; and to enable them to do so, it was necessary that they should take the oath of allegiance, which, although simple, was explicit, and perhaps from its very simplicity the less susceptible of evasion. But for men who, while they wish to commit a gainful iniquity, yet at the same time wish to keep upon terms with their con-

* They were the earl of Melville, lord Leven, lieutenant-general Douglas, major general Mackay, sir John Dalrymple, lord advocate, and Gilbert Burnet, bishop of Salisbury.

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science, it is necessary that some subterfuge be found ; and here the grossest equivocations and mental reservations were resorted to, to quiet their minds in swearing allegiance to William while engaged in a conspiracy against him ; and Balcarras himself is constrained to confess, “ that to take an oath of allegiance to an usurper to join with their mortal enemies, and to comply with them in things which had always been against their own principles, were so hard to get over, that some had great difficulty to overcome them, nor even could any have done it, but from the great desire they had to be instruments in the restoration of James and the ruin of his enemies.” The jacobites, however, saw clearly, that if the army were disbanded for want of supplies, and the parliament dissolved for contumacy, the kingdom might be easily regained for their master, by an insurrection of the highlanders, aided by a descent from Ireland ; and the prospect of returning to power silenced their scruples :—so feeble in public men are the ties of moral and religious principle when opposed to the influence of political faction. Yet there were some honourable exceptions even among them ; the earls of Hume and Lauderdale, lords Oxenford and Stormont, did not dishonour themselves by taking an oath for the purposes of perjury.

Mutual manœuvring.

vi. Harassed with the contentions and complaints of the Scottish peers and gentlemen, who had resided during the winter in London, the coolness and patience of William was exhausted ; and he peevishly uttered the splenetic wish—“that Scotland were a thousand miles distant from England—and that he were never the king of it.” Anxious, however, to leave no dissatisfaction behind when he went to Ireland, he at last fixed a day for the assembling of parliament, and impowered viscount Tarbet to enter into treaty with the highland chiefs. Twenty thousand pounds, and three titles of honour, were allotted as the price of a cessation. But Tarbet—who himself dreaded the meeting of parliament—was less anxious to heal the division of the country than to secure his own conduct from inquiry. He hoped the violent measures of “the club” would produce what he desired ; and instead of negotiating to bring the highlanders to acknowledge king William, he endeavoured to swell the oppo-

Tarbet's negotiations with the highland chiefs.

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Jacobites
refuse to
submit to
William.

sition by bringing into parliament the adherents of king James. Nor were the jacobite chieftains willing to submit to the new government—their prospects appeared so flattering. Lord Breadalbane, to whom Tarbet had broached the business, found all his friends totally averse to it : and, at a meeting of the clans, sir Ewan Cameron of Lochiel protested that he would never capitulate without the king's and the general's orders. He had been reduced, he said, to far greater straits than ever they were, in the service of the late king, and it would be a shame to the highlands to think of surrendering while his present majesty was at the head of such an army in Ireland, and had so many loyal subjects in the lowlands.

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Melville
commis-
sioner.

vii. Lord Melville superseded Hamilton as commissioner ; the duke having been accused of obstructing the king's intentions from motives of self-interest, and of promoting an underhand opposition to the restoration of the forfeited estates, as his own family enjoyed a considerable share of the spoil.* He came down to Scotland with extensive powers ; and a discovery of the correspondence between James and the Scottish jacobites, made at the time by the seizure of one Strachan—who was apprehended at Greenock with the letters sewed in the soles of his shoes—exciting the apprehensions of government, he obtained a discretionary power to act as circumstances should direct.

Parliament.

viii. On the 15th of April this important session commenced ; but after the earl of Crawford had taken his seat as president, the commissioner, diffident of his strength, adjourned till the twenty-second, and so uncertain was he of the issue, that he had almost determined to dissolve it and try a new one ; but several of the opposition, when the business came to the push, withdrew, and he having increased his interest by splitting the high offices of the treasury and seals, he resolved at least to make a trial of strength.† In a

* The earl of Arran had received from James a gift of Stewart of Cultness's estates.

† Balcarras says they secured to themselves votes, by dividing the register in six. The register was divided, but by express agreement, only one, the master of Burleigh, was allowed to vote as an officer of state. Scottish Acts, vol. ix. p. 149. Indeed by express act of parliament, no more than eight officers of state could vote in the estates. lb.

conciliatory letter the king apologized for the frequent pro-
rogations, from the desire he had of presiding personally at
their meetings; and informed them that he had intrusted
his commissioner "to give them full assurance of his tender
affection and great care towards his ancient kingdom, parti-
cularly in relation to the establishment of church govern-
ment, in that way which might be most conducive to the
glory of God, and agreeable to the inclinations of the people."

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King's let-
ter to it.

"By our instructions," he adds, "which we ordered to be
published for your information, you will perceive the readi-
ness, on our part, to have answered the desire of our people,
the last session of parliament, and we are confident your zeal
to religion, your loyalty and affection to us, and your duty
to your country, will make you lose no more time, but vi-
gorously fall about the settling of the great concerns of the
nation, upon just and reasonable foundations, in which you
shall always have our royal assistance and protection."

IX. The commissioner echoed the letter in a set speech; he
expatiated upon the great things his majesty under God had
been the instrument of effecting for them—that he had risk-
ed his life to rescue them from popery and slavery—that he
was still risking it in the same cause; and he did not doubt
of their cheerful concurrence in bearing their equitable pro-
portion of the necessary burdens required for their security.
His majesty's grand object had been to rescue them from op-
pression; he did not therefore wish to imitate the conduct of
their oppressors, but would willingly forget and pardon all
that was past, provided the offenders would only live quietly
in their several stations for the future. "It remained with
themselves," he added, "to give effect to his majesty's inten-
tions," and he entreated them to lay aside their party ani-
mosities, to consider that the eyes of their enemies as well as
friends, were upon them, expecting mighty things from them
—and he exhorted them now, when it was fully in their
power, to apply such remedies as would cure their late dis-
asters, and promote their future happiness, by repealing
bad and enacting good laws. The earl of Crawford second-
ed the commissioner, and recommended to them moderation
in their disputes, and unity in their councils, that their ene-
mies might never have reason to ground their hopes on their

Melville's
speech.Seconded
by earl of
Crawford.

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divisions; assured them of the deep interest his majesty took in their proceedings, and begged them to consider the high responsibility they would incur if they allowed the present opportunity of providing for the welfare of the nation to escape.

Supremacy
repealed.Articles
abolished.

x. The first question was a contested election, which the ministry carried by a majority of six; and their superiority once decided, their ranks were quickly swelled by deserters from the opposition. The jacobites immediately perceived that their game was up in parliament; but taught by their experience in the convention, they determined, if they could not carry their object, to remain and embarrass the government by every method of obstruction in their power. The presbyterians were, however, soothed by the readiness with which the commissioner ratified the acts refused last session, for repealing the king's supremacy, and for restoring the ministers who had been thrust from their churches since the 1st January 1681. He consented, too, to compromise the much disputed point of prerogative;—the right of the servants of the crown to sit *ex officio* in the articles. That committee, as the ready tool of despotism, was abolished for ever; and the power of parliament to appoint what committees they chose, “for preparing all motions and overtures first made in the house,” and “to alter and change the saids committees at their pleasure,” was acknowledged; the officers of state were to be admitted to reason and propose, but not to vote upon any overtures that might be laid before them; and it was declared competent for any member to bring a motion under the consideration of the estates directly, without the odious preliminary restriction of being approved by a king's committee. Parliament immediately proceeded to exercise their newly acquired privilege, and the remaining grievances and the vote of supply were referred each to separate committees.

The oppo-
sition dis-
solved.

xi. The adherents of James, who had placed their hopes upon the refusal of government to comply with the wishes of the people, were sorely disappointed at the concessions of the commissioner, and the consequent dissolution of the opposition; they saw themselves left in a feeble minority, they were constrained to witness the forfeiture of their friends,

Dundee, Dunfermline, and the other chiefs, while their only consolation and entertainment was to sit and listen to the violent altercation of sir James Montgomery and sir John Dalrymple, "who scolded like watermen; so that, rogue, villain, and liar," were their usual compliments and epithets. Sir James, who had a vehement and popular eloquence, when he saw his party daily diminishing, made one bold effort to break up the parliament, or again divide the presbyterians. No mention had been made of church-government in the house; for as it was the most important, so it was the most delicate topic which was to come under their consideration. The commissioner, who knew the king's aversion to give up patronage, was afraid to introduce a scheme which he knew would meet with the most decided opposition; and the presbyterians, who were resolved not to suffer it, hesitated about entering upon a discussion which would deprive them of the prospect of any further concessions. Aware of these mutual misgivings, and persuaded that William had granted no power to his commissioner to restore to presbytery the supremacy and splendour it enjoyed during what was termed the second glorious reformation,*

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* William's opinion respecting the Scottish church will appear, from the remarks he made upon a draught of the act for re-establishing it; and as the act was constructed in accordance with these remarks, they are subjoined. The paper, which does credit to the king's sagacity and moderation, and is necessary to explain the principles upon which he acted, has only been challenged on the point of patronage, which was afterwards abolished. It is evident that, in a national church, where the livings are secured by law, there are strong allurements for men to enter into orders, whose only or chief object is to obtain a respectable station in life;—nor is it possible to exclude them. It is also equally evident, that the gift of the living, *aut vitam aut culpam*, i. e. the patronage of the kirk, must be lodged somewhere. Now, as the body of ministers in an establishment are necessarily of much importance to the state, the right of patronage, as a political problem, is not less difficult than as a religious one. Who is to nominate to situations of such influence? who is to decide between those who merely assume the clerical garb for its emoluments, and those who enter the holy office from a sense of its importance, and a sincere desire to fulfil its duties? are questions not easily solved. And in a matter of such doubt, we need not wonder if William preferred patronage being in the hands of a few, rather than in the hands of many; because he, although sincerely attached to religion, could not divest its establishments of their natural political bearings. Patronage is, however, no necessary adjunct of presbytery itself.—"His Majesty's Remark, &c. Imo, Whereas, in the draught it is said that the church of Scot-

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he rose, and in a plausible speech “spoke out what all feared to name.” “He knew,” he said, “that there were instructions for settling religion, and he thought it was a disgrace to the meeting that it was not yet done. But the

land was reformed from popery by presbyters *without prelacy*, his majesty thinks, that though this matter of fact may be true, which he does not controvert: yet it being contradicted by some who speak of a power that superintendents had in the beginning of the reformation, which was like to that which bishops had afterwards, it were better it were otherwise expressed. 2do, Whereas it is said, their majesties do ratify the presbyterian church government to be the only government of Christ’s church in this kingdom, his majesty desires it may be expressed otherwise, thus—To be the government of the church in this kingdom established by law. 3tio, Whereas it is said the government is to be exercised by sound presbyterians, and such as shall hereafter be avowed by presbyterian judicatories *as such*, his majesty thinks that the rule is too general, determining, as to its particular determination upon particular men’s opinion; and therefore he desires that what is said to be the meaning of the rule, in the reasons that were sent along with the act, may be expressed in the act itself, viz. that such as subscribe the confession of faith and catechisms, and are willing to submit to the government of the church, being sober in their lives, sound in their doctrine, and qualified with gifts for the ministry, shall be admitted to the government. 4to, Whereas it is desired to be enacted that the general meeting of the ministers do appoint visitors for the purging of the church, &c. his majesty thinks fit, that, for answering the objections that are proposed against this method in the reasons sent up to him along with the act, that what in these reasons is expressed by, may be as to the concern of his privy council in that matter, and the presenting of these visitors to the commissioner that he may see they are moderate men be plainly expressed in the act itself, ‘*that it should be,*’ &c. 5to, As to what concerns the meeting of synods and general assemblies, his majesty is willing that it should be enacted, that they meet at such and such times of the year, and so often as shall be judged necessary, provided always that they apply to him in the privy council, to know if there be any inconvenience as to public affairs in their meetings at such times, and have his approbation accordingly. 6to, Whereas it is desired to be enacted, that the parishes of those thrust out by the people in the beginning of this revolution, be declared vacant, upon this reason, ‘*because they were put upon congregations without their consent,*’ his majesty desires it may be expressed in such a manner as is perfectly consistent with the rights of patrons, which he hath the more reason to insist upon, that in the paper sent up along with the act, it seems to be acknowledged that this procedure is extraordinary, and ought not therefore to be drawn into consequence.

“I, A, B. do sincerely declare and promise, that I will own and submit to, and peaceably live under the present government of the church as it is by law established in this kingdom, and that I will heartily concur with, and render it for the suppressing of vice and wickedness, the promoting of piety, and the purging the church of all enormous and scandalous ministers. It is his majesty’s pleasure, that such as shall declare as is above written, and assent and consent to the confession of faith now confirmed by act of parliament, as the

reasons were clear. Some to flatter the court, at the expense of their own principles, had delayed it, and others were divided in their opinion about it. One party were for setting up a certain kind of erastian presbytery like that of Holland, and another for supporting civil patronage in the kirk; but he told them that they could not establish, nor ought there to be established in Scotland, any other form of church government than the presbyterian, as it was settled in the memorable year 1648, which was the government in the world, not only most accordant to the word of God, but the fittest to curb the extravagance of kings and arbitrary governments under which they had so long groaned." This speech, which astonished his jacobite friends, was highly applauded by the house, and, to his unspeakable mortification, they immediately voted that a committee should be appointed to consider and report; and the leading presbyterians, the earl of Crawford, lords Stair and Cardross, sir Patrick Hume, and the laird of Dun, were among those who composed it.

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Sir James Montgomery moves the establishment of presbytery in its original form.

A committee appointed to consider of it.

XII. A more mortifying blow, however, awaited him. His messenger had returned from James with patent commissions, and instructions, a useless package of unsubstantial greatness, of which he knew not how to dispose. To his new associates he could not exhibit them, for they were not included in the list of promotions; he therefore called together the original conspirators, Annandale, Arran and Ross, and after abstracting such papers as they thought it would be improper to exhibit, they put the rest into a black box, and sent a message to Queensberry, Linlithgow, Breadalbane, and Balcarras, to meet in Athole's lodging to examine dispatches just received from Ireland, which could not be opened but in the presence of the whole. Arran, chagrined at only receiving a remission for his father, instead of a general's commission that he expected, and that had been

Montgomery receives commissions and instructions from James.

Deception practised upon his confederates.

standard of the protestant religion in that kingdom, shall be reputed sound and orthodox ministers. It is his majesty's pleasure too, that those who do not own and yield submission to the present church government in Scotland, shall have like indulgence that the presbyterians have in England.

"His majesty's desire to have what he grants to the church of Scotland to be lasting, makes him incline to have the above-mentioned amendments made upon the act." Carstairs's State Papers, p. 44, *et seq.*

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Their dis-
trust—they
separate in
disgust.

promised him, or disdaining to countenance a cheat that he saw would be detected, pretended an engagement and went out of town; the duke of Queensberry likewise sent an excuse. The others came, but Balcarras, suspecting some trick, examined the seals and cording of the packet, and had his suspicions confirmed; he communicated them to his friends, and notwithstanding the most solemn asseverations of Montgomery, that excepting a friendly letter from his majesty, all that had come from the king had been produced, they were too much accustomed to traffic in deceit themselves to believe the story, and they parted in disgust—the one side enraged at having formed an alliance with such weak knaves, and the other disconcerted at perceiving their knavery discovered. The original trio carried their whole bundle of papers to Breadalbane's lodgings, and to prevent discovery, burned them there. Linlithgow took the envoy from James along with him, to his seat, a few miles from Edinburgh, where he detained him for some days, and obtained from him all the information he wanted, and which sir James had so foolishly endeavoured to conceal.*

General
Buchan
sent by
James,—

harasses
the north.

Surprised
at Crom-
dale.

xiii. About the time this rupture took place, the entire failure of an abortive movement in the north, dissipated, for the present, all the flattering prospects of the jacobites. At the meeting of the clans it had been resolved to wait until they saw how the proceedings in parliament succeeded, and until the seed was in the ground, before they attempted a general rendezvous; but in the interim, general Buchan, who had been sent from Ireland by James with a pitiful supply of clothes, ammunition, and money, accompanied by a few officers, was instructed to hover round the border of the lowlands, to harass the unfriendly highlanders, and keep the enemy in a state of constant alarm. With a flying camp of fifteen hundred chosen men, and Cannon as second in command, he wasted the northern counties during the first quarter of the year without interruption, till, having encamped on the lowlands of Cromdale, on the banks of the Spey, they were surprised and dispersed by sir Thomas Livingstone. This surprise, which closed the warlike ope-

* Annandale's Confession. Balcarras.

rations of the jacobites, and is remarkable for being commemorated by one of the few beautiful airs—the Haughs of Cromdale—associated with whig victories, was conducted in a very masterly manner, and almost without any loss on the part of the victors. Sir Thomas being apprized that the enemy were lying secure in the low grounds—having guarded only the ford that was nearest them, but left another about a mile farther up the river perfectly free—advanced by a rapid night march from Inverness with a force equal in number, but nearly one half cavalry, crossed at the upper ford without opposition, and gave the first notice of his approach by a furious attack. So well had he concerted his plan that the scattered troops had never time to form, and their leaders, Buchan and Cannon, who were in their beds, escaped, half-naked, leaving above four hundred killed and wounded behind them.

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He and
Cannon
escape.

xiv. Such a combination of misfortunes entirely broke the confederates, and they hastened each to attempt a separate pacification. Breadalbane, to secure a breathing time for the highlands, and that he might be the better able to provide for his private interest, while he reserved himself for that side which was most likely to have the final preponderance, proceeded to England to renew the treaty which he had formerly broken off; but William was gone before he arrived, and the money which would have subsidized, was employed by Mackay in building Fort William, upon the site of Cromwell's garrison of Inverlochie, to overawe and check the impatient mountaineers. Ross likewise intended to wait upon the king to purchase his own indemnity, by discovering all he knew of the plot, but his intention had transpired, and his associates were only prevented from effectually silencing him, by the dangerous consequences which might have resulted from his assassination, and the doubts which some entertained of his guilt; their significant hints deterred him from the journey till the king had gone, but he sent for a minister, and with many tears and expressions of contrition, made a full confession of the whole. He then procured a pass for London, and made a similar disclosure, in a private interview to the queen, representing Montgomery as the prime ringleader. Her majesty desired him to

The con-
spiracy
wholly
broken up.The princi-
pals endea-
vour to
make their
own peace.

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Honourable conduct of earl of Ross ;

of sir James Montgomery—he absconds.

Annan-
dale's confession.

Payne escapes from the Tower.

Betrayed by Annandale—put to the torture.

authenticate his narrative by repeating it before the earls of Denbigh and Nottingham ; but, indignant at being treated as a common informer, he retracted what he had said, and refused to be an evidence against those with whom he had lived in habits of friendship. “ He had intended,” he said, “ by the information he gave, to enable her highness to counteract the dangers to which she and the kingdom were exposed, but nothing should ever induce him to appear in a court.”

xv. As soon as Montgomery heard of Ross's departure, he determined to make his own peace, and delivered the whole correspondence with the ex-queen into Melville's hands. When he went to London, he cautiously abstained from going near the royal residence till he had made his terms ; and Mary would willingly have acceded to them, but William would only consent to grant a remission upon condition of his turning king's evidence, which he disdained to do ;—and despairing of pardon, absconded. Annandale retired to Bath, where he lurked ; but learning that a warrant was issued out against him, he escaped to the capital, and was secreted in Ferguson's house for several weeks, till, tired of concealment, he sent for Lockhart, the under Scottish secretary, and signed a confession, “ the most scandalous thing,” says Balcarras, “ that any of the name of a gentleman ever did ;”—for he not only told what had passed in public, but he revealed their most private conversations, and informed against the persons who had afforded him shelter while he was skulking. Payne, the agent, was in consequence arrested and sent to the Tower ; from whence, after some months imprisonment, having escaped, he fled to Scotland, and sought refuge with the earl at his country seat. But here he was again betrayed by Annandale, and sent to Edinburgh, where he twice endured the torture, with a fortitude which reflects no common disgrace on his faithless noble associate ; and such was the general indignation it excited, that he was the last person thus interrogated in Scotland. Ferguson, too, was seized, but by superior dexterity, avoided either criminating himself or implicating others, and was dismissed.

xvi. Terrified at the treachery of these conspirators, the jaco-

bites hastened from Edinburgh, each apprehensive for his own safety, not being fully informed of the extent of the discoveries they had made; and the presbyterians who had been engaged in the opposition, anxious to escape the odium of having been connected with the plotters, zealously supported the measures of the commissioner in parliament, who, himself not less zealous in the cause of presbytery, seized the opportunity, which the plea of a dangerous treason afforded, to pursue those measures—for which nothing but necessity could have obtained his majesty's consent—which were yet necessary for the peace of the country. Immediately an act was introduced, unanimously voted and approved, “re-establishing presbytery as it was established by the act 1592, ratifying the Westminster Confession of Faith as the public and avowed confession of the church, and declaring that the church government be exercised by these presbyterian ministers who were outed since the first of January 1661, for nonconformity to prelacy, or not complying with the courses of the time, and are now restored by the late act of parliament, and such ministers and elders only as they had admitted, or shall hereafter receive.” A general assembly was appointed to be held in the October ensuing, with full powers to try and purge out all insufficient, negligent, scandalous and erroneous ministers, by due course of ecclesiastical process and censures, and likewise for advising all other church disorders.

xvii. The episcopalian clergy, as an expiring effort, presented a petition and remonstrance to parliament. They represented that they had submitted to the present government, were ready to give assurances for their future good conduct, and earnestly besought that protection for their lives and fortunes which they said had been promised them. With a plausibility calculated to impose upon persons unread in the history of the last thirty years—but which nothing but the most consummate impudence would have ventured upon with those who were—they deprecated as positively prejudicial to their safety the committing ecclesiastical jurisdiction and authority to those of the presbyterian persuasion, as they were thereby not only deprived of all interest in the government of the church, but subjected to the

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1690.

Effects of
the plot on
the jacobites and
presbyterians;

on the government.

Presbytery
re-established.Petition
and remonstrance of
the episcopal clergy.

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scrutiny and censure of those men—as respected their life and doctrine—who might justly be reputed their enemies and parties, and consequently incapable of being their judges. “They did not fear,” they said, “to stand the test of an inquisition into their conduct, or abilities for their function; but they could not help considering it as an hardship to be tried and adjudged by those whose incapacity they offered to prove; nor did they think their presbyterian brethren would be so unjust as to insist upon enforcing in their case what they had so strongly condemned and strenuously resisted in their own—subjection to spiritual courts whose authority they could not conscientiously acknowledge:—for if they thought it hard to pay obedience to episcopal injunctions, was it not equally so for episcopalians to be forced to submit to the decrees of presbyteries or synods? They heartily grieved that there had been no ecclesiastical methods used for healing those breaches in the church occasioned by difference in opinion about the government, and therefore begged that the high and honourable court of parliament, as they respected the honour of God, and the advancement of his holy religion, would prepare such lenient measures as would tend to reconcile the dissensions which had so long disturbed and broken the peace and unity of the ancient church of that kingdom; and not authorise any enactment likely to prove oppressive to the consciences of so many of their majesties’ loyal subjects, and zealous professors of the protestant religion.” The specious arguments of this petition came too late; the presbyterians were now an irresistible majority, and they had felt too severely the iron grasp of the prelates to give them readily the right-hand of fellowship. They understood too well the difference between words and actions, and were not to be deceived by the bleating of the wolf in the covering of the lamb. The petition was read and laid aside.

Laid aside.

Subsidy
granted.

XVIII. In return for his concessions, the most liberal supplies ever granted by a Scottish parliament were voted to his majesty without a murmur. The sum sounds prodigious in Scottish money—two million, nineteen thousand, seven hundred and thirty-three pounds, six shillings and eightpence; yet, considering the country, even when reduced to

sterling, it was no inconsiderable subsidy. But it was to be raised in monthly instalments, during five years eight months cess, the first and five months each succeeding year. As this was to be levied out of the land rent of the kingdom, a poll-tax was imposed upon their vassals and feuars for their relief; and their proportions were—each gentleman above the quality of a tenant, a sum not exceeding six pounds Scots annually for themselves, wives, and children; each tenant four pounds; and each tradesman, cottar, or servant, a sum not exceeding twenty shillings. An additional grant of one-sixth of all annual incomes arising from interest of money or annuities was found so inconvenient and inquisitorial, that it was abandoned, and three months cess, and a tax upon hearths substituted in its stead. It is curious to observe, that the complaints which led to the change in the mode of taxation, were the same that in our own day were urged with success against a similar imposition, that it pressed unequally upon the subject: the upright and conscientious, who durst not have recourse to evasion, felt it severely, while the less scrupulous and the fraudulent escaped; but all objected to the exposure of their circumstances which it occasioned.

xix. The unequal representation of the counties was next redressed, and twenty-six additional commissioners were allotted to the estate of the barons; an addition which, while it increased the influence of the popular branch of the constitution, contributed essentially to strengthen the crown. Then followed an act of justice. The iniquitous sentences of Argyle, Baillie of Jerviswood, and the more eminent patriots had been reversed, and their heirs reponed in their honours and estates by separate deeds; but in one sweeping enactment, the forfeitures and fines incurred since the rising at Pentland, 1665, were repealed; upwards of four hundred attainted persons were restored by name, their estates ordered to be returned, and where there had been compositions, recourse was allowed at common law against the donators for recovery of the money so paid. But all *bona fide* transactions were preserved untouched; and as in the lapse of twenty-three years, many of the estates which had been unjustly obtained had been fairly transferred, and many of the

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Improve-
ment in the
representa-
tion.All forfeit-
ures, &c.
since Pent-
land repeal-
ed.

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Patronage
abolished.Regula-
tions for
supplying
parishes
with mini-
sters ;Respecting
teinds.

forfeited, in despair of ever recovering their property, had disposed of their rights :—amid much equitable retribution much suffering remained unredressed.

xx. Towards the close of the session the commissioner ventured to crown the presbyterian fabric by abolishing patronage.* By this act, the nomination of ministers for vacant charges was intrusted to the heritors and elders, except in the cases of royal burghs, where the right of calling a minister was vested in the magistrates and kirk-session, who were to propose them to the whole congregation to be either approved or rejected by them ; and if disapproved, the reasons of the disapproval to be given in to the presbytery of the bounds, by whose determination the call and settlement was to be finally determined. If application were not made by the eldership and heritors of the parish to the presbytery for the call and choice of a minister within the space of six months after a vacancy, then the right of planting a minister in the church devolved upon the presbytery. In lieu and recompense of the right of presentation thus taken away, the heritors of the parishes, or the town councils of the burghs, were to pay the patrons six hundred merks upon the patrons' granting a formal renunciation, and if the patrons refused to accept the compensation, it was to be consigned in the hands of a responsible person till the renunciation were granted ; in the meantime the heritors and kirk session might proceed as if it had been obtained, and pursue the patron for a formal deed, who, on the other hand, was entitled to prosecute the heritors if they failed in making payment. The teinds of the parishes not heritably disposed, were declared to belong to the patrons, burdened with the ministers stipends, and the erection of such new kirks as should be found just and expedient ; and with this proviso that patrons obtaining a right to teinds in virtue of the present act, to which they

* Dr. M'Cormick, in his life of Carstairs, asserts that lord Melville had instructions from the king to do this. "By an authentic paper in my lord Lorn's possession, it appears that lord Melville was instructed to pass an act abolishing lay patronage, provided the parliament desired it. It is true this paper is of a date prior to the paper of remarks sent down by Mr. Carstairs ; but it does not appear that the king had expressly withdrawn his instructions, so that my lord Melville might still think himself at liberty to give the royal assent to that act." P. 51, note.

had no previous title, should be obliged to sell to each heritor the teinds of his own lands at the rate of six years purchase, valued by a commission for the valuation of teinds. BOOK
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The superiority of all church lands was vested in the crown.

XXI. Probably no act was ever devised that struck a fairer medium between the oppression of an arbitrary presentation by a patron, and the confusion of a congregational election, or which, while it preserved the temporal rights of the one, trenched less upon the spiritual privileges of the other. It met with the fate of all moderate measures in turbulent times, it did not satisfy the highflyers on either side: nor did it meet his majesty's approbation. A vast majority, however, in the country cheerfully accepted the boon, which promised to produce a lasting tranquillity in the nation respecting ecclesiastical matters, but for two unfortunate circumstances—the desire of William to introduce conforming curates into the church, and the aversion of the rigid presbyterians to coalesce even with their own indulged brethren. It is not
satisfac-
tory.

The rea-
sons.

XXII. To counteract the casuistry of the jacobites, the distinction between a king *de jure* and a king *de facto* was abjured; and a new assurance required from all who were legally obliged to take the oath of allegiance, that they acknowledged William and Mary as the only lawful and undoubted sovereigns, king and queen of Scotland, as well *de jure* as *de facto*, and engaged with heart and hand, life and goods, to maintain and defend their title and government against king James and his adherents, and all other enemies. The session shortly after closed, presenting a contrast to the former; it had commenced in turbulence, but terminated with mutual expressions of satisfaction; and Melville deserves the praise of having managed with great dexterity, a meeting where so many conflicting interests threatened a very different kind of prorogation: a brief session, which ended September the tenth, was equally harmonious. New oath
of alle-
giance to
William
and Mary.

Parliament
prorogues.

XXIII. On the 16th of October, after a suspension of upwards of thirty years, the general assembly again met under the sanction of royalty.* In his letter, the king expressed his

* "The first day was appointed as a day of fasting and humiliation, when Mr. Gabriel Semple, who had assisted in renewing the covenants at Lanark,

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The king's
letter to it.

affection for his ancient kingdom, and his anxiety to leave nothing undone which could contribute to their happiness.

As the differences about the government of the church had caused the greatest confusion, he had willingly concurred with parliament to such a frame of it as was judged to be most agreeable to the inclinations of the people; and as he had shown his particular regard in countenancing that assembly, so he hoped their conduct would be such as to give him no reason to regret what he had done; and he thus concludes:

“A calm and peaceable procedure will be no less pleasing to us than it becometh you. We never could be of the mind that violence was suited to the advancing of true religion, nor do we intend that our authority shall ever be the tool of any party. Moderation is what religion enjoins, what neighbouring churches expect from you, and we recommend to you, and we assure you of our constant favour and protection on your following of these methods, which shall be for the real advantage of true piety and the peace of our kingdom.”

The commissioner, John, lord Carmichael, followed with a speech, “bearing,” according to the minute, “his great zeal no less for the religious than for the civil concerns of the church and nation, and pathetically exhorting to that meekness taught by Christ, and becoming ministers of the gospel.”

In reply, the assembly assured his majesty of their entire concurrence in his recommendation. “The God of love, the Prince of peace, with all the providences that have gone before us, and the circumstances we are under as well as your majesty’s most obliging pleasure,” say they, “require of us a calm and peaceable procedure. And if—after the violence for conscience sake, that we have suffered, and so much detested, and those grievous abuses of authority in the late reigns, whereby, through some men’s irregular passions, we have so sadly smarted—we ourselves should lapse into the same errors, we should certainly prove the most unjust towards God, foolish towards ourselves, and ingrate towards your majesty of all men upon earth. Great revolutions of

The as-
sembly's
answer.

before the battle of the Pentland hills, preached before them. Mr. Gabriel Cunningham of the Irvine presbytery, acted as interim moderator, till the assembly was properly constituted, when Mr. Hugh Kennedy, minister of Edinburgh, was elected” MS. minutes.

this nature must be attended with occasions of complaint, and even the worst of men are ready to cry out of wrong for their justest deservings. But as your majesty knows these things too well, to give us the least apprehension of any impressions evil report can make; so we assure your majesty, as in the presence of God and in expectation of his dreadful appearance, that we shall study that moderation your majesty recommends." "Desiring in all things to approve ourselves to God, as true disciples of Jesus Christ, who, though most zealous against all corruptions in his church, was most gentle toward the persons of men." Nor did their procedure belie their profession.*

xxiv. They immediately entered the moderator's declaration in the record, "That it was not the mind of the assembly to despise any incumbent simply for his judgment anent the government of the church, or to urge re-ordination upon any incumbent whatsoever; and he hoped the assembly would ratify no sentences against any minister, but such as were either ignorant, insufficient, scandalous, or erroneous; and appointed a committee to revise all the sentences already passed by presbyteries or synods against those who had conformed. Their instructions to their Commissions were in the same spirit; "that they be very cautious of receiving informations against the late conformists; and that they proceed in the matter of censure very deliberately so as none may have just cause to complain of their rigidity; and that they shall not proceed to censure but upon relevant libels and sufficient probation."

xxv. They also received into the bosom of the national church, Messrs. Linning, Shields and Boyd, preachers among the society-men; declining, however, to enter upon the subject of grievances and backslidings, with the particularity which these gentlemen at first desired. They had given in a long paper, in which, after acknowledging the blessings the church enjoyed in being relieved from tyranny and prelacy, and in having their standards publicly recognised,

* After appointing their committees, before proceeding to business, they appointed a solemn meeting for prayer to implore the divine blessing and direction, and set apart the hours between eight and twelve in the forenoon of Monday for that purpose.—MS. Minutes.

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Request
the assem-
bly to con-
demn the
late defec-
tions.

A compro-
mise takes
place.

Discus-
sion as to
the causes
of a fast.

This agree-
ment only
temporary.

they besought the assembly to inquire into and condemn the several steps of defection in the preceding period; “particularly the sinful compliances of ministers in laying aside the exercise of the sacred office at the command of the magistrate; submitting to and encouraging others to submit to the ministrations of curates, and not testifying against the horrid violations of the solemn covenants with God; the late toleration as proceeding from an usurped absolute power; and the admitting to sealing ordinances many who had sworn the wicked oaths, persecuted the godly, and habitually complied with prelacy.” The paper was referred to the committee for overtures, who thinking it might tend to rekindle or keep alive divisions, recommended that it should not be read in the assembly, in which the gentlemen themselves acquiesced, and compromised the matter in a short paper, containing the terms of their submission, which the assembly agreed should be entered in their minutes.

xxvi. The causes of a fast, which may be considered as a clerical manifesto, occasioned considerable discussion. The society-men, in a petition, required that these should be full, that the whole catalogue of grievances should be inserted; and that while they lamented the iniquity of the rulers and the sins of the people, the backslidings, lukewarmness, and temporizing of the ministers, should not be forgotten. In this several of the older ministers concurred; but the same desire to avoid irritating recollections prevailed with the assembly to express in more general terms the universal guilt of the nation, and the general defection of all ranks.

xxvii. This extensive moderation, which embraced these antipodes in church government, Curates and Cameronians, and thought to procure peace by such a heterogeneous mixture, was eventually productive of as much discordance in ecclesiastical, as were the attempts to amalgamate the jacobites and revolutionists in civil politics. They had no natural affinities; and the repulsive principle—the desire of individual power—was too strong in all the parties to admit of more than a temporary coalition. A cordial lasting union it was impossible in the nature of things to effect.

xxviii. Whatever may have been the proceedings of the inferior courts, those of the assembly in the first session were

neither marked "by indecent violence," nor by "indiscreet intolerant bigotry," although they have been thus stigmatized.* A satisfactory exculpation from these charges might be found in the opposite accusations brought against them "for not purging out all the lukewarm, time-serving, unsound episcopal curates from among them." But there is no reason to suppose that their own account of their transactions transmitted to the king, does not contain a just and fair statement. "We engaged to your majesty," say they, "that in all things that should come before us, we should carry with that calmness and moderation which becometh the ministers of the gospel of grace; so now, in the close of the assembly, we presume to acquaint your majesty, that through the good hand of God upon us we have in a great measure performed accordingly. Having applied ourselves mostly and especially to what concerned this whole church, and endeavoured by all means, ecclesiastical and proper for us, to promote the good thereof, together with the quiet of the kingdom and your majesty's contentment—God hath been pleased to bless our endeavours in our receiving to the unity and order of this church some who had withdrawn and now have joined us; and in providing for the promoting of religion and the knowledge of God in the most barbarous places of the highlands, which may be the sure way of reducing these people also to your majesty's obedience:†—and especially in regulating the ministers of this church after so great revolutions and alterations; for we have, according to the use and practice of the church ever since the first reformation from popery, appointed visitations both for the southern and northern parts of this kingdom, consisting of the gravest and most

Report of
their pro-
ceedings to
the king.

* Vide Laing's Hist. vol. iv. p. 242. Burnet, vol. iv. p. 92, 93. Skinner, vol. ii. p. 562. Dr. M'Cormick's Life of Carstairs, p. 50.

† They were particularly attentive to the erection of schools, and the distribution of Bibles and New Testaments in the highlands. Although, from various causes, their exertions were not very successful, it ought to be remembered, to the praise of this assembly, that they appeared very anxious to promote the religious instruction of those districts, in which they were greatly assisted by their English friends. Three thousand Gaelic Bibles, one thousand New Testaments, and three thousand Catechisms, were sent from London, and distributed under their direction; and the Psalms, which had been newly translated, were recommended to the care of the highland ministers to get immediately put to press.—Printed Acts, vol. i. p. 13.

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1690.

experienced ministers and elders, to whom we have given instructions that none of them be removed from their places but such as are either insufficient, or scandalous, or erroneous, or supinely negligent; and that those of them be admitted to the ministerial communion with us, who, upon due trial, and in a competent time for that trial, shall be found to be orthodox in doctrine, of competent abilities, of a godly, peaceable and loyal conversation, and who shall be judged faithful to God and to the government, and who shall likewise own, submit unto, and concur with it. We have also taken care that all persons who have received wrong in any inferior judicatory of this church shall be duly redressed." Like the parliament, they separated with the strongest expressions of satisfaction, and the year closed in Scotland with every promise of lasting tranquillity.

Misrepresentations
of the episcopal
clergy.

Causes of
their ejection.

xxix. Compulsatory measures in religion, how moderate soever, partake too much of the nature of persecution to be defensible, and afford to those to whom they are applied, subjects of declamation and complaint, which a little embellishment can at any time render imposing and popular. Of this the episcopalians were aware; and, forgetful of all the miseries they had inflicted during thirty years, they, with the most shameless impudence, represented themselves as wantonly subjected to merciless persecution, because they were deprived of that ascendancy they had so cruelly abused. Several of their clergymen had been deprived for not taking the oaths of allegiance, and others for not praying for the king and queen—but these had been led astray by the delusive hope of the late James's restoration, and suffered rather for their politics than for their religion;—and a few were turned out when the old ejected presbyterian ministers, who had outlived the protracted period of suffering since the dismal year 1661, were reponed in their charges—an act of justice which was merely making the resets restore their stolen goods; but this band, loud in their complaints, gave the key-note to the dismal wailings that followed, when the commissions for visitation began to exercise their powers.

xxx. However sincere the assembly were in their professions, yet were they men subject to like passions with others,

and not exempted from those partialities which their situation was so powerfully calculated to produce; it is not therefore to be wondered that cases both of hardship and injustice should occur, but it should be recollected that they were armed with no temporal weapons beyond that of simple deprivation; they could not turn the curates out of their parishes; they could not prevent them from preaching; they could not deprive them of their charge or their livelihood, if their flock had preferred their ghostly instruction and been willing to support them in its exercise. The only accusations which the assembly allowed were, "doctrine inconsistent with the Confession of Faith, and conversation unbecoming the grace of the gospel;" for these, many were deposed; but the sufferers for a conscientious adherence to the forms of episcopacy, were few and inconsiderable, while the most vital injury the church of Scotland ever sustained arose from the too easy admission into her bosom of a parcel of unprincipled clergymen who readily conformed when the temporalities of their profession were at stake.

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XX.

1690.

Charges
allowed a-
gainst
them.

xxxI. Although their numbers were trifling, the noise they created was great; the advocates for passive obedience became the most indefatigable plotters and most implacable rebels; the non-resisting clergy turned outrageous for opposition, and merited from their friends the title of "the church militant."* The jacobites reverted to their natural alliance with the discontented episcopalians, and the very instruments of bondage, the scourges and scorpions of persecution swelled the chorus, with hymns to liberty and lamentations about oppression! The pulpits even of the conformists were debased by political railing, while the press teemed with pamphlets of the most scurrilous description, filled with falsehoods, outrageous in proportion as they were unfounded. Decorum in controversy was certainly not among the accomplishments of the day; but a peculiar, vituperative talent, an unrivalled excellence in Billingsgate, dis-

Distracted
state of the
country.

* Dundee, in his correspondence, contemptuously styles them "the church militant, the church invisible."

BOOK
XX.

1691.

William, irritated by petitions against the presbyterians ;

and deceived by the episcopal lords,

changes his ministry.

1692.
General assembly.

The king's letter.

tinguished the adherents of the deserted throne and dismantled altar.

xxxii. Representations, at the same time, were poured in upon William, by the same party who in parliament had endeavoured to push measures to an extreme against the non-conformists, now detailing their hardships ; and he, who had never cordially agreed, although he acquiesced in the establishment of presbytery, became irritated with their courts, as too strict and unyielding in their terms of admission to ministerial communion. These impressions were heightened by the episcopal lords, who, upon his return from Ireland, had repaired to court to obtain a pardon for their accession to Montgomery's plot and the disturbances in the highlands. They extenuated their conduct by their apprehensions from the presbyterians, and promised to support the established government if themselves were protected from their fury, and the remainder of their clergy were preserved from expulsion. Deceived by their deceitful promises, which coincided with his own prejudices, the king removed the earl of Melville and his friends from office—appointed sir John Dalrymple, master of Stair, secretary, and the earl of Tweeddale chancellor. Influenced by the same false and hollow professions, he wrote two letters to the commission, expressing his wishes that they should relax ; and when the commission were not found sufficiently complacent, he summoned a general assembly, in the belief that they would grant what their delegates did not conceive they were empowered to concede.

xxxiii. A year of irritation had succeeded a few weeks of peace, when the assembly met on the 15th of January. The earl of Lothian was appointed commissioner, who brought a very different letter from his majesty's former communication. He reproached them with not having fulfilled their promise and his expectation, in receiving the conformists ; with being only a party in the church, as a number of ministers equal to themselves were not allowed to be represented : he therefore signified his pleasure that those of the episcopalian persuasion, who were willing to sign the confession of faith, and an obligation to submit to presbyterian

judicatories, should be admitted to sit and act in them without undergoing any vexatious ordeal; and that the commissions appointed to act during the intervals between their meetings, should consist one half of the old presbyterians, and the other half of those ministers who had formerly conformed to episcopacy.

BOOK
XX.

1692.

xxxiv. When the general assembly had frankly consented that the curates, if blameless in their doctrines and lives, should not be disturbed in their churches or stipends, on account of their opinions about church government, it was an instance of forbearance which no other national church on earth perhaps ever exhibited; but they hesitated when they were required to assume, as fellow-rulers, their former persecutors; nor did the conduct of those who desired to be admitted, tend much to settle the scruples which many of them had with regard to the propriety of the plan. A number of the curates presented to the assembly an address, praying admission to the full privileges of the church, which they said they were authorized to do by a letter from their majesties, and craved that it should be read. When required to produce their authority, they offered to do so to the royal commissioner, but refused to do it to the general assembly. Others followed the same course, and instead of sending their addresses regularly through the committee of bills, desired them to be read in open court. With this the assembly, at the commissioner's request, complied, but referred their consideration to the committee of overtures.

Proceed-
ings anent
curates.

xxxv. Having now sat nearly a month, and there being no symptoms of compliance with the king's recommendation, the commissioner rose and addressed the assembly as follows: "Moderator:—what I said last had so little success, that I intend to give you no more trouble of that nature, only this; you have now sat about a month, which was a competent time both to have done what was the principal design in calling this assembly—of uniting with your brethren, and to have done what else related to the church: but his majesty perceiving no great inclination among you to comply with his demands, hath commanded me to dissolve this pre-

The assem-
bly irregu-
larly dis-
solved.

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Moderator
protests.The mem-
bers ad-
here.Assembly
rises.

sent general assembly. So I, in their majesty's name and authority, do dissolve this present general assembly." When he had finished, the moderator asked if the venerable assembly was dissolved without naming a diet for another? to which his grace replied, his majesty would appoint another in due season, of which they should be timeously advertised. Upon this the moderator attempted to remonstrate, but was told he could only be listened to as a private person. "In whatever capacity your grace pleases," returned the moderator, "but I beg to be heard a few words." "As a private person," rejoined the commissioner, "you may speak." "May it please your grace then," resumed the moderator, "this assembly, and all the members of this national church, are under the greatest obligations possible to his majesty; and if his majesty's commands to us had been in any, or all our concerns in the world, we would have laid our hands upon our mouths and been silent. But they being for a dissolution of this assembly without inditing another to a certain day, therefore, having been their moderator, I, in their name, they adhering to me, do humbly crave leave to declare, that the office-bearers in the house of God have a spiritual intrinsic power from Jesus Christ, the only head of the church, to meet in assemblies about the affairs thereof, the necessity of the same being first represented to the magistrate. And farther, I humbly crave that the dissolution of this assembly, without inditing a new one to a certain day, may not be to the prejudice of our yearly general assemblies granted us by the laws of the kingdom." As soon as he had concluded, the whole members rose up, and with one voice declared their adherence to what the moderator had said. Whereupon the moderator, turning himself to the assembly, cried, "brethren let us pray." But the members, by a general call, pressed him to name a day for their next meeting, which he did—the third Wednesday of August, 1693; and silence being obtained, concluded in the usual form with prayer, singing the cxxxiii. Psalm, and pronouncing the blessing. Such was the unfortunate result of the first attempt to overcome by magisterial interference, the inveterate antipathies of two opposite ecclesias-

tical establishments:—their mutual animosity was heightened, and their junction rendered apparently more hopeless than ever.*

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Attempt to
quiet the
highlands.

xxxvi. Unfortunate as were William's attempts to promote the peace of the church, his endeavours to tranquillize the highlands terminated in a more fatal and melancholy catastrophe. In forming his new administration, he proceeded still upon the comprehending system, and admitted as his servants several of the conspirators, who continuing secretly devoted to the interest of their old master, insidiously tampered with their old friends; but such was the want, or the perversity of principle then in Britain among the statesmen, that it would have been difficult in the higher ranks to have formed a cabinet upon the vulgar basis of common honesty. Nor was the coalition William wished to effect calculated to create it, where it did not exist. By making selfishness, if not the only, yet the chief bond of association among his ministers, he unintentionally weakened his own cause, which ought to have rested chiefly upon the broad ground of public welfare, as expressed in his own declarations, and been supported by a combination of the men who had given pledge by their conduct for their adherence to it: who, although they did not possess the influential rank, or business experience of the hacknied statesmen trained under Lauderdale or York, would have brought to the administration the confidence of the people, which after all was William's chief tower of strength.

The king's
impolicy in
his choice
of minis-
ters.

xxxvii. Breadalbane, who managed for the highlanders, was a diplomatist every way well qualified for conducting a negotiation with such agents. In early life he had, as a chief creditor, obtained a disposition from the earl of Caithness, to his estates and titles; but this being disputed by Sinclair, the heir-male, he obtained letters of fire and sword against his rival, which he executed with every circumstance of barbarity, and in 1680 was subjected to an action of treason for fire-raising, murder, treasonable garrisoning of houses, and acting beyond his warrant; but the articles exhibited were never brought to a trial. He is described by Macky as "cunning as a fox, wise as a ser-

Character
of Breadal-
bane.

* MS Minutes of the Assembly.—Tracts relative to the church, Edin. Bib.

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XX.

1692.

Duplicity
of the high-
land chiefs.

pent, but slippery as an eel ;” who adds, “ no government can trust him but where his own private interest is in view.”* He resumed in 1691, with the master of Stair, the negotiation he had broken off with Tarbet, and contrived to get himself intrusted with the whole of the money—reduced to twelve thousand pounds—intended for the pacification of the highlands, by conciliating the chiefs, or purchasing a truce. But as if every transaction in which the favourers of the race of Stuart were concerned had been doomed to be involved in duplicity, the chieftains kept up their connexion with James while they were transacting with William ; and before they would conclude any treaty through Breadalbane, they asked and secured the permission of the ex-king to lay down their arms, with the express reservation that they should again resume them when more favourable circumstances arose ; and while Breadalbane acquainted with, if not a party to this intrigue, revealed it to government, he was himself treating with the court of St. Germain. He wished to retain the subsidy and to preserve his estate whichever side prevailed ; but when his selfish policy was detected, his disappointed cupidity rendered him implacable towards his countrymen who had detected the cheat.

Mild mea-
sures pro-
posed.

xxxviii. Both the earl and the secretary were familiar with the barbarous method of settling highland feuds, by the cruel and savage commission of fire and sword ; and during their correspondence this had been repeatedly mentioned as the last resort if the rebels stood out ; but it seems to have been finally adopted from heartless policy, urged on by a spirit of revenge. Milder measures certainly, at one time had been in contemplation ; it was proposed that four thousand of the highlanders should have been regimented by government, under their own chieftains as a kind of local militia, and when their days of training were ended, sent back to their mountains with a gratuity ; that these should have been placed under the charge of some principal man in the highlands, who was to receive a general’s pay during the period of service ; and Breadalbane, who had proposed the measure, had palpably intended the of-

* Fountainhall, v. i. p. 124. Macky’s Memoirs, p. 199.

fice for his own particular. But whether this project was given up from the dread of intrusting men with arms who had so lately used them against the king, and might be so easily induced again to turn them against him, or whether through the intrigues of the opposite faction, or from whatever cause, it unhappily failed after it had been nearly brought to a conclusion.*

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1692.

Abandoned.

xxxix. In the month of August a severe proclamation was issued, requiring all to submit and take the oaths to government, before the 1st of January 1692, under pain of military execution; but after the discovery of their deceit, and when they delayed to come in, Stair repeatedly, and with savage fierceness, expressed his dissatisfaction at the length of time that had been allowed, and deliberately planned an exterminating winter campaign. "God knows," says he, in a letter to Breadalbane, "whether the twelve thousand pounds had not been better employed to settle the highlands or to ravage them; but since we will make them desperate, I think we should root them out before they can get that help they depend upon—their doing, after they got K. J.'s [king James's] allowance, is worse than their obstinacy, for those who lay down arms at his command, will take them up by his warrant." In another—"By the next I expect to hear either these people are come to your hand, or else your scheme for mauling them for it, will not delay." Then, after mentioning the forces and artillery that are to be sent, he adds, "I am not changed as to the expediency of doing these things by the easiest means, and at leisure; but the madness of these people, and their ungratefulness to you, makes me plainly see there is no reckoning on them; but *delenda est Carthago*"—"look on and you shall be satisfied of your revenge." The exterminating warfare was to extend over all the tribes in Lochaber; but, apprized

Highlanders required to submit by a certain day

Stair's letters to Breadalbane.

* This project, which is given by sir John Dalrymple [Mem. b. iii. app. pp. 218—222] from a paper in the possession of the Breadalbane family, bears no date—it was most probably before the discovery of his lordship's negotiation with James: and after it was discovered, government considered him too powerful in the highlands to break with him. When Lord Nottingham afterwards wrote to him to account for the twelve thousand pounds, he is said to have replied—"My lord, the highlands are quiet—the money is spent—and this is the best way of accounting between friends."

BOOK
XX.

1692.

Chiefs,
submit.Dundee
and Buch-
an's officers
retire to
France.Formed in-
to a com-
pany—re-
viewed by
James.Marched to
Spain.

of their danger, the different chiefs hastened to appease government by their submission, and before the time allowed had expired, the whole, one only excepted, had taken the oaths, and were secured by the indemnity.

XI. Dundee and Buchan's officers were permitted to retire to France, where they met a fate less instantaneous, but not less wretched than the clan excepted from mercy. They amounted in number to about one hundred and fifty—all gentlemen of family. While there remained any prospect of their being again employed, they were allowed small pensions from the French king; but when the cause of James became desperate, their pay was withdrawn, and they were left pennyless, exposed to all the lingering horrors of famine in a foreign land, or the more humiliating alternative to high-spirited men, of subsisting on the precarious chances of charity. Reduced to the lowest ebb, to escape beggary, they petitioned to be received as privates into the French service—only stipulating for the favour of being allowed companionship in misery, and the choice of their own officers—a favour which, as it cost little, was readily obtained.

XLI. When formed into an independent company, colonel James Brown their captain, colonels Alexander Gordon and Andrew Scott, lieutenants, and major James Buchan, ensign, they repaired to St. Germain's to be reviewed by James, before they joined the French army. When they appeared before him in the garb of private sentinels, he addressed them in the language of a man, himself softened by misfortune, "regretted the sufferings to which their loyalty to him had exposed them, and assured them he should ever retain a deep sense of their devotion to his person, and if providence should ever restore him to his throne, their rank in his army should not be inferior to their deserts." He then walked along the line, and wrote in his pocket-book the name of every individual, and requested them to write their wants particularly to him, and "depend upon always finding in him a parent and a friend,"—promises never destined to be realized.

XLII. Next day they received their route for the frontiers of Spain, a march of nine hundred miles, which they per-

formed on foot. Everywhere they were received with sympathy by those of the same rank in life from which they had been reduced ; but the commonalty, to whose habits they could not so easily conform, treated them with roughness or ridicule, or by their extortion, endeavoured to rob them of the scanty pittance upon which they could barely subsist. At Perpignan a purse of two hundred pistoles, collected by the ladies for their relief, was seized upon by the miscreants they had chosen to command them ; and to supply their necessities, they had not only to part with their watches, rings, and love-tokens, but even their shirts, that part of dress being then accounted a superfluous luxury. When their clothes wore out, the same rapacious ruffians—for avarice has no mercy—kept up the slender allowances of the French king, and rags were added to their other discomforts. Theirs was not only the post of danger, the front rank in the day of battle, but in patient endurance of every toil or fatigue to which the lowest pioneer in the army is subjected, they were examples to the soldiers ; and the only reproof they merited, was that least unpleasant to military men—a gentle check when they exceeded their duty. At the siege of Rosas, in Catalonia, where the water was scarce and the climate unhealthy, with no other food than horse beans and garlic, when in consequence of their miserable fare they were attacked with dysentery, no arguments could induce them to leave the trenches for the hospital, till peremptory orders arrived from the commander-in-chief.

XLIII. Upon the fall of Rosas, they petitioned to be removed to a more salubrious climate, and were ordered to the north. They commenced their journey across the Pyrenees in the depth of winter, so wasted and worn out, that they appeared like a company of shadows, or skeletons, following the fantastic drummer in the dance of death. Their new destination was Alsace. The storms of a severe season were aggravated by a famine, which had almost depopulated the country along their line of march ; and those who remained were, like themselves, half-starved spectres stalking amid a waste of desolation. The sick among them, who had languished through the sultry heat of a Catalonian summer, now sunk under the piercing cold of the mountains, and they

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1692.

Their distresses—the rapacity of their officers.

Conduct at
siege of
Rosas.

Sent to Alsace.

Their accumulated miseries.

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XX.

1692.

Final fate.

Macdonald
of Glencotakes the
oath of al-
legiance.

arrived at their cantonments with diminished numbers, to encounter starvation, upon an irregular allowance of three sous per day, in a country where a pound of bread sold for six. When the company, five years afterwards, were disbanded, upon the banks of the Rhine, fifteen hundred miles from their homes—if exiles can be said to have a home—without any pay, honours, or pension, sixteen were all that remained alive;—and of these, only four unrequited individuals returned to their native country to tell the tale of their hardships.*

XLIV. The proscribed clan was Glenco—Macdonald had, together with Glengarry, M'Lean, and some other chiefs, in the month of July, agreed to a cessation of hostilities; but, during the treaty, quarrelled with Breadalbane, between whose clan and his own there existed a hereditary feud. The secretary Stair, instigated by the earl, adopted his resentment; and when the highlanders were tardy, and the bloody measures in agitation, marked out Glenco for destruction. In a letter to lieutenant-colonel Hamilton, he remarked, “that since the government cannot oblige them, it is obliged to ruine some of them to weaken the rest, and that the Macdonalds will fall in this net.”

XLV. About the end of December, Glenco applied to colonel Hill, governor of Fort William, to administer to him the oath of allegiance, that he might be entitled to the indemnity; this, Hill refused as not being qualified, but sent him to the sheriff of Argyle, to whom he wrote an urgent letter, entreating him to receive a lost sheep. With this letter Macdonald hastened to Inverary, but the bad roads, a violent storm, and other hindrances, prevented his arriving until the time mentioned in the proclamation had expired. The sheriff-depute, sir John Campbell of Ardkinglass, at first declined, because the last of December, the time appointed for taking the oath, was gone by, and the benefit of the indemnity was strictly forfeited; but, moved by his tears and entreaties, he at last consented to receive it—upon the sixth of January—and immediately despatched it to

* Carstair's State Papers, 137—139, *et seq.* Mem. of Dundas's officers. Dalrymple, vol. iii. app. 210, *et seq.*

Edinburgh, with a certificate and colonel Hill's letter to Colin Campbell, sheriff-clerk of Argyle—then in that city—accompanied by a request that he would lay the documents before the council, and inform him whether Glenco's allegiance were accepted. Campbell went instantly to Lord Aberuchil, a privy counsellor, and requested him to present the papers; but by the advice particularly of lord Stair, the president, the circumstance of Glenco's taking the oath was suppressed, and the certificate obliterated, before the documents were given to the clerk of the council.

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Which is
forwarded
to the
council.

XLVI. When Macdonald had sworn allegiance he returned home without dread, informed his people that he had made his own peace, and engaged them to live quietly under king William. But while living in security, and, as he imagined, under the protection of government, a terrible tempest was gathering around him. The master of Stair, who regretted that so many had taken advantage of the indemnity, expressed the fellest exultation when he heard that the devoted victim was within his toils. "Just now," said he, in one letter, "Argyle tells me that Glenco hath not taken the oath, at which I rejoice!" and in another, "I am glad that Glenco did not come within the time prescribed." With the delight of an avenging spirit he brooded over the ruthless plan of sudden, certain, and unsparring extirpation. "When any thing concerning Glenco is resolved"—these were his expressions—"let it be secret and sudden. I hope what is done there may be in earnest, since the rest are not in a condition to draw together to help. I think to herry their cattle or burn their houses, is but to render them desperate lawless men to rob their neighbours. But I believe you will be satisfied it were a great advantage to the nation that that thieving tribe were rooted out and cut off. It must be quietly done, otherwise they will make shift for both the men and their cattle. Argyle's detachment lies in Lettrickwell to assist the garrison to do all on a sudden. I am content that clan except itself, for my part I could have wished the Macdonalds had not divided."

Glenco
returns
home.Stair's ex-
ultation in
the pros-
pect of his
ruin.

XLVII. Instructions were obtained from the king on the 11th

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1692.

The king's
instruc-
tions.

Stair's di-
rections.

Living-
ston's or-
ders to
Hamilton.

of January, in the usual style, ordering fire and sword against all the highland clans who had not taken the oaths; but as these did not exclude mercy, and as Breadalbane at least, knew that it was possible, even under them, to be tried for murder, an additional order was procured super and subscribed by the king. "As for Glenco and his tribe, if they can be well distinguished from the rest of the highlanders, it would be proper, for the vindication of public justice, to extirpate that sect of thieves." The directions given by Dalrymple, which accompanied his majesty's warrant, were rigorously inhuman: "The winter is the only season," said the secretary, "in which we are sure the highlanders cannot escape us, nor carry their wives, bairns, and cattle to the mountains. It is the only time that they cannot escape you, for the human constitution cannot endure to be so long out of houses. This is the proper season to maul them in the cold long nights; and I expect," he adds, "you will find little resistance but from the season! I entreat you, that for a just vengeance and public example, the tribe of Glenco may be rooted out to purpose. The earls of Argyle and Breadalbane have promised that they shall have no retreat in their grounds, the passes to Rannoch will be secured, and the hazard certified to the laird of Weems to reset them: in that case Argyle's detachment, with a party that may be posted in island Stalker, must cut them off." Orders equally atrocious were sent to the subordinate agents. Sir Thomas Livingston thus wrote to lieutenant-colonel Hamilton, on the 23d of the month of January—more than a fortnight after the parties knew that Macdonald had come in, that his submission had been accepted, and that he was relying on the public good faith;—"That it was judged for good news that Glenco had not taken the oath of allegiance within the time prefixed, and that secretary Stair, in his last letter, had made mention of him, [the lieutenant-colonel] "for here, sir," continues he, "is a fair occasion for you to show that your garrison serves for some use: And seeing that the orders are so positive from court to me, not to spare any of those that have not timely come in—as you may see by the order I sent to your

colonel—I desire you would begin with Glenco, and spare nothing which belongs to him, but do not trouble the government with prisoners.”

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XLVIII. Lieutenant-colonel Hamilton, in transmitting his orders to major Duncanson, conveys them in terms of similar relentless ferocity. All the outlets of escape were to be strictly guarded, and he therefore tells him, “You are to order your affairs so that you be at the several posts assigned you by seven of the clock to-morrow morning, being Saturday, and fall in action with them, at which time I will endeavour to be with the party from this place at the post appointed them. It will be necessary that the avenues minded by lieutenant Campbell on the south side be secured, that the old fox nor none of his cubs get away : the orders are, that none be spared, nor the government troubled with prisoners.”

Hamilton's
orders to
his major.

XLIX. A month had been passed in the vale of Glenco by the chieftain and his clan, in unsuspecting tranquillity ; they had received no notice that their submission had not been accepted, and having remained so long unmolested, had no reason to dread that they would ever hear more upon the subject, when, in the beginning of February, Campbell of Glenlyon, whose niece was married to Alexander, one of Glenco's sons, arrived from Fort William with a party of one hundred and twenty men. At the entry of the glen, John, the eldest son, accompanied by twenty followers, who could easily have defended the pass, met his relative, and demanded the reason of his coming. Being assured that they were only intended to quarter, as the garrison was overcrowded, he welcomed them cordially, and billeted them among the inhabitants, who entertained them with kind familiar hospitality. For a fortnight Glenlyon daily pledged his nephew, in the highland expression of kindness—a morning cup : and they spent together at cards the very evening on which the orders arrived that not one male under seventy should see the morning dawn ! On that day the officers had engaged to dine with Glenco—but they were to meet at a very different banquet ! At midnight the cry of murder arose, and the vale that at the close of even had resounded with mirth and conviviality, was dis-

Security of
Glenco.

Treachery
of Glenly-
on.

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XX.

1692.

The mas-
sacre.

turbed with the groans of death and the shrieks of despair.* The orders were to attack their defenceless hosts while asleep; but the murmuring of some of the less hardened soldiers excited suspicion, and prevented the destruction from being as complete as it was intended to be instantaneous. The eldest son, alarmed, ran instantly to Glenlyon's quarters to require some explanation, where he found the captain and his men preparing their arms. Glenlyon received him affectionately, and accounted for his preparations by telling him they were to march against some of Glengarry's men; and asked, if mischief had been intended, whether he imagined he would not have told his nephew and his niece? Satisfied with the insidious villain's apparent frankness, he returned home on purpose to retire again to rest, when his servant prevented him; and, on the approach of a party with fixed bayonets, he fled to the hills, but he heard the shots of the assassins, who immediately commenced their murderous work. His brother, too, owed his life to his servant, who awoke him with the appalling exclamation, "It is no time for you to be sleeping when they are murdering your brother at the door!" and he joined his brother in his flight. Their father was not so fortunate; a lieutenant Lindsay, with a party, came to his house about four in the morning, and calling in a friendly manner, were admitted without hesitation. Glenco, awakened by the entrance of the ruffians, was shot as he was rising out of his bed to receive them! and his wife, who had risen and dressed, was stripped naked by the wretches, who tore the rings with their teeth from her fingers.†

L. At Glenlyon's quarters, the soldiers made a sport of their victims; nine men were bound, and deliberately shot one after another, and when he, Glenlyon, wished to save a young man about twenty, a captain Drummond killed him on the spot; but he ordered his landlord to be murdered; and a young boy of thirteen, while clinging to his knees, cry-

* By a strange coincidence, Glenco in Gaelic signifies the valley of tears.

† Mr. Laing says the lady expired next morning with terror and grief; but the brothers, in their depositions, say that they had the account of her barbarous usage from their mother herself, and do not mention her death. Report of the Committee.

ing for mercy, and offering to be his servant for life, was pistolled in that posture. At Achnacon, another part of the valley, while a company of ten were seated around a fire, a serjeant Barber poured in a volley upon them, which killed four and wounded as many of the rest. One of the others, whose guest Barber had been, requested the favour of dying in the field, and as an indulgence, he was taken without to be put to death ; but while the soldiers were preparing, he threw his plaid, which was loose, over their faces, and escaped in the dark. An old man of eighty was butchered ; and another, who had been wounded, having crawled into a cottage for protection, the place was set fire to, and he perished in the flames. A woman, with an infant at her breast, and several children not exceeding four years of age, perished in the massacre. In all, thirty-eight persons fell by the hands of their guests ; the rest, alarmed by the report of musketry, and the cries of their friends, fled to the hills during a tremendous storm, and found from the less merciless elements that protection denied them by the inhumanity of man. The tempest, that added to the horrors of the night, saved them from destruction. While the west end of the glen was blocked up by major Duncanson, with a detachment from Fort-William, the troops intended to secure the other outlet were prevented by the inclemency of the weather from getting forward at the appointed hour ; and when lieutenant-colonel Hamilton arrived at noon, there only remained one old man, who was wantonly killed by his orders. Rapine succeeded carnage, and the peace of the valley was secured by its utter desolation ; the cottages were reduced to ashes, and the cattle, one thousand cows and two hundred horse, were driven away by the murderers, and shared as legal spoil among them.

LI. Never was prophecy better fulfilled than what Dalrymple predicted as the consequence of an imperfect attempt, when he wrote to colonel Hill, " better not meddle with them than not do it to purpose." The complaints of the Macdonalds who escaped filled Scotland with horror. The "massacre," as it was commonly termed, seemed like a revival of the system that had been destroyed, and in deliberate perfidy and cruelty fell little behind any of the foul

The massacre.

Universal horror excited by it.

BOOK
XX.

1692.

Stair the
instigator
—William
not blame-
less.

deeds of the former government. Nor was the outcry confined to Scotland alone; the jacobites, glad to find a parallel to any of their own execrable acts, made Europe resound with their loud expressions of abhorrence. The Paris journals blazoned it with every aggravation; and while William's character suffered abroad, every art was used to render him detestable at home. The most odious part of this horrible transaction does certainly belong to the deliberate, revengeful, and villanous politics of Dalrymple; but it is impossible to free William from having incautiously, at least, signed a warrant for military execution without having sufficiently ascertained the necessity of the case. That there were precedents for letters of fire and sword, forms no excuse; the restorer of a nation's rights cannot plead in extenuation of his errors the execrated precedents of an abolished tyranny; but for the second exterminating order there was no precedent; his only excuse for a crime which rendered the highlanders irreconcilable to his government,* must be sought for in the error which alienated

* The remembrance and detestation of this bloody and perfidious act was long, deep, and universal throughout Scotland; but the highlanders, who regarded it with a horror resembling what the presbyterians felt for the equally faithless and cruel, but more extensive and more unprovoked persecution their brethren endured, seemed to have viewed the misfortunes which befell the families of the perpetrators, as not less the "just judgment of God against murderers," than did the others; nor was this belief in either case confined to that generation. Colonel Stewart, in his very entertaining Sketches, tells a remarkable anecdote in reference to this. "The belief that the punishment of the cruelty, oppression, or misconduct of an individual, descended as a curse on his children to the third and fourth generation, was not confined to the common people. All ranks were influenced by it, that if the curse did not fall upon the first or second generation, it would inevitably descend upon the succeeding. The late colonel Campbell of Glenlyon retained this belief through a course of thirty years intercourse with the world as an officer of the 42d regiment and of marines. He was grandson of the laird of Glenlyon, who commanded the military at the massacre of Glenco, and who lived in the laird of Glenco's house,* where he and his men were hospitably entertained during a fortnight prior to the execution of his orders. Colonel Campbell was an additional captain in the 42d regiment in 1748, and was put on half pay. He then entered the marines, and in 1762 was major with the brevet rank of lieutenant-colonel, and commanded 800 of his corps at the Havannah. In 1771 he was ordered to superintend the execution of the sentence of a court martial on a soldier of marines condemned to be shot. A reprieve was sent, but the whole ceremony of

* Not in his house, but in one at a little distance. Evidence of Glenco's sons before the committee of parliament. Carstairs's Papers, vide the text.

from him the affections of a majority of his lowland subjects ; —his associating in his councils men inured to all the despotic and sanguinary measures of the late reigns, and rewarding, instead of punishing, the ministers of cruelty, who first ruined and then betrayed their late master.

BOOK
XX.

1692.

LII. That the order for exterminating “the thieving tribe of Glenco” was deliberately given by William, and given in such a manner as to secure the actors from being called to an account, is indisputable ; and his only exculpation rests upon this, that he had been imposed upon by the secretary, and knew nothing of the submission of the chief. Nor is it straining probability to suppose, that, influenced by the representations of the crew by whom he was surrounded, who could well cloak the most revolting enormities under professions of ardent zeal for the public service, he believed that the destruction of this clan was an act of salutary severity necessary for the safety of the rest ; and to this he might be the more easily induced by the restless intrigues of the jacobites, whom no ties of gratitude could bind, whose casuistry found an escape from the most explicit and sacred obliga-

Reflec-
tions.

the execution was to proceed until the criminal was upon his knees with a cap over his head prepared to receive the volley. It was then he was to be informed of his pardon. No person was to be told previously, and colonel Campbell was directed not to inform even the firing party, who were warned that the signal to fire would be the waving of a white handkerchief by the commanding officer. When all was prepared, and the clergymen had left the prisoner on his knees in momentary expectation of his fate, and the firing party were looking with intense attention for the signal, colonel Campbell put his hand into his pocket for the reprieve, and in pulling out the packet, his white handkerchief accompanied it, and catching the eyes of the party, they fired, and the unfortunate prisoner was shot dead. The paper dropped through colonel Campbell's fingers, and clasping his hand to his forehead, he exclaimed, “the curse of God and of Glenco is here ; I am an unfortunate ruined man.” He desired the soldiers to be sent to the barracks, instantly quitted the parade, and soon after retired from the service. This retirement was not the result of any reflection or reprimand on account of this unfortunate affair, as it was known to be entirely accidental. The impression on his mind, however, was never effaced. Nor is the massacre, in the judgment which the people believe has fallen on the descendants of the principal actors in this tragedy, effaced from their recollection. They carefully note, that while the family of the unfortunate gentleman who suffered is still entire, and his estate preserved in direct male succession to his posterity, this is not the case with the family posterity and estates of the laird of Glenlyon, or of those who were the principal promoters and actors in this infamous affair.” Vol. i. p. 106, 107, note.

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1692.

New con-
spiracy.

tions, and who accepted of favours only to turn them against his interest.

LIII. A second conspiracy had been detected in the beginning of the year, in England, the more dangerous because, profiting by experience, the plan was better formed, more consistent, and constructed on the specious foundation of embracing all parties of protestants, forgetting all injuries, and only getting rid of foreign intruders who had no sympathy with the native islanders. It was intended to explode when William was absent pursuing his favourite schemes on the continent. The refractory clergy in both kingdoms, upon the king's dismissing his Roman catholic counsellors, and referring all disputes to a free parliament, were to have supported him, and the English bishops, who refused to take the new oaths—as they had been accidentally the most effective means of the first overturn—anticipated accomplishing a counter-revolution. A double invasion was intended; but the highlands of Scotland, as the most vulnerable point, was to be first assailed; and from the attachment of the clans it was calculated that full employment would be afforded for all the troops in Britain; and when England was left exposed a descent from France could be easily accomplished. Although prevented, it was impossible not to perceive that such a project might be resumed; and as the highlanders were, in all schemes of restoration, those upon whom the exiled family reckoned with the greatest confidence, and as they were by their neighbours regarded as a lawless ungovernable people, regulated solely by interest, and only to be restrained by force,* the servants of the crown possessed every facility for poisoning the royal ear of a prince, a foreigner, and particularly when the rejected terms of the pacification were so favourable that their refusal could be ac-

* The following character will show the light in which they were viewed in the year 1690:—

“The highlanders of Scotland are a sort of wretches that have no other consideration of honour, friendship, obedience, or government, than as by any alteration of affairs or revolution in the government they can improve to themselves an opportunity of robbing and plundering their border neighbours. If there be any smack of religion among them, 'tis generally the Roman catholic persuasion, on which account any disaffected person that retired amongst them was something likely to work to an inclination of assisting the late king James.”
—Hist. of Revol. 240.

counted for upon no principle but that of affection to his rival, and some new plot for his service.

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LIV. Great revolutions in states are always productive of fresh conspiracies, until time has calmed the passions that produced them, and men have again settled into habits of regular obedience. Not only the dismissed adherents of the old, but the disappointed candidates under the new government, are ever restless and desirous of change, hoping either in the confusions, or the success of another revolt, to acquire those advantages which had eluded their grasp in the last. Almost the whole of William's reign was a succession of conspiracies—no sooner was one detected than another was set on foot, or the old one revived in another shape. The detection of the last, by the apprehension of lord Preston and Mr. Ashton, did not deter the chief conspirators from renewing their correspondence with James, whose prospects appeared brighter in the beginning of the year 1692 than they had ever done since he abdicated the helm. The high officers of the state and of the navy were implicated, and several whom William was forced to intrust with the most important situations, had expressed their intentions of returning to their former allegiance. The English began to murmur at the promotion of foreigners, the Irish were, as usual, ill-used and dissatisfied; and Scotland was irritated by discontents peculiar to that kingdom. The presbyterians were brooding over the abrupt dissolution of their assembly, and mourning for the lamentable catastrophe of Glenco, while the episcopalians assiduously inflamed the rage of the nation, by unceasing invectives against the authors of the bloody massacre.

James' prospects brighten.

LV. At this conjuncture, Louis XIV. appears to have formed the most sanguine expectations of reinstating his friend upon his throne. In the month of January his preparations were active at Toulon, at Brest, and at Rochefort; and early in March twenty thousand troops, upwards of one half of whom were Irish, marched down to the coast of Normandy to be ready for embarkation. Never did a more formidable armament, since the Armada, threaten the British shores, while the three leading characters, next to their majesties, were understood by the projectors to be pledged

Louis XIV. prepares to invade England.

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1692.

Victory off
La Hogue
defeats the
plan.

for their assistance. Anne, from a qualm of filial affection, or a womanish quarrel with her sister, engaged for the church; Marlborough, seized with a fit of repentance, or displeased at not receiving the garter, was to attempt the army; and Russel, to atone for former miscarriages, was to seduce the navy. But a series of providential occurrences once more preserved Britain. The winds, which prevented the junction of the French squadrons, assisted that of the Dutch and English fleets; and from the same cause, the peremptory orders which had been sent to Tourville to fight, under the impression that the English were unsupported, could not be countermanded, when intelligence arrived of the two being combined.* A decisive victory at La Hogue, celebrated in one of the finest naval odes in the English language, destroyed, in his presence, the hopes of James, who viewed from the heights the triumph of his late subjects; and after uttering the involuntary exclamation, "none but my English sailors could have done this," retired to the convent of Latrappe, to thank heaven for the fatherly chastisement, and edify the monks by his own flagellations.†

Distraction
in the Scot-
tish go-
vernment.

LVI. While the issue of the grand attempt was uncertain, the condition of Scotland was precarious;—the people distrusted the servants of the crown, and they affected to distrust the people. The council was a scene of contention, from which the president, the duke of Hamilton, retired in

* James, in his Memoirs, remarks, "Nothing but a particular providence, of punishing the English by a seeming success, and of sanctifying the king by continual sufferings, could have ordered it in the manner it fell out."

† Mary, who was left in the government at this trying period, evinced a greatness and equanimity of soul that have seldom been equalled. Rumours of several of the English naval officers being disaffected were generally circulated, and the public became clamorous for their change. The queen immediately wrote to Russel, "that she would change none of her officers, and imputed the reports raised against them to the contrivance of her enemies and theirs." The admirals and captains sent back an address, "that they were ready to die in her cause and their country's." When the address was presented, her answer was equally politic and magnanimous, "I had always this opinion of the commanders; but I am glad this is come to satisfy others." Another instance of prudence, because so uncommon, marked her superior wisdom. James had published an insidious and plausible proclamation; instead of attempting to suppress, she circulated it with an answer.

disgust, at being suspected and treated with neglect. Tarbet tampered with the episcopalian clergy, and Melville with the presbyterian ministers. Government, embarrassed and weakened, called out the militia, and gave extraordinary powers to those of the highland clans in whom they thought they could repose any confidence, but they durst not venture to assemble the parliament while the remembrance of Glenco was fresh, and the clamour of all their opponents so loud. Andrew Fletcher was the only one among the statesmen who came patriotically forward in the general perplexity, and endeavoured to bury all animosity in a crisis of such imminent danger. Pure love of country, rare at any time, was doubly so then, and Fletcher deserves unmingled praise for his conduct on this occasion. Notwithstanding his differences with the men in power, and his coincidence in views with the duke of Hamilton, he entreated the latter to resume his place at the council board; and the grounds upon which he succeeded deserve to be recorded. "If, laying aside all other considerations, you do not come in presently, and assist in council, all things will go into confusion, and your presence there will easily retrieve all. When things are in any ways composed, you may return to your former measures, for I do approve of them. I do advise your grace to the most honourable thing you can do, and without which your country must perish." But Fletcher sought not nor accepted of any pension or place.*

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1692.

Fletcher's
patriotic
conduct.

L.VII. When the kingdom was secured from invasion, and government possessed proof sufficient to convict some of the chief of the jacobites of treasonable correspondence with the enemy, a Scottish parliament was summoned, and Hamilton empowered as commissioner to hold it. Stair, however, would not venture the encounter, and Johnston, a younger son of Warriston, was sent down as secretary to manage the meeting. The danger of the country had united the presbyterians, and rendered them willing to come forward in support of the existing government; and the discoveries that had been made deterred the jacobites from any very serious opposition. But a powerful party was

1693.
Parliament
—Hamilton
commissioner.

* Carstairs's State Papers, 153. Dalrymple, vol. iii. 33; and Appendix, 208.

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XX.

1693.

Subsidy
granted.

intent upon bringing the president to account for malversation as a judge, and his son for his conduct in the matter of Glenco.

LVII. Johnston's address had secured a majority before the estates assembled; and when they sat down, [April 18],* he so operated on their fears, that without difficulty he procured a vote for one hundred and eight thousand pounds sterling, to raise and maintain four regiments of foot and two

* This meeting was very precise with regard to their forms; and as the forms of a Scottish parliament are now matter of curiosity, I transcribe their orders.—April 21, 1693. It is ordered that all members of parliament do precisely keep the dyets of parliament, under the pains following, viz. Each nobleman, for each dyet's absence without leave or relevant excuse, twelve pounds Scots, [L.1 sterling;] each baron, six, [10s. ;] and each burghess, three, [5s. ;] and the one half, if not present at the calling of the rolls: Besides the members of parliament, none were allowed to remain in the house, except noblemen's male heirs, the senators of the College of Justice, the knight marischal, the ushers, the lyon, the king's agent, and one servant to the chancellor, two to the constable, two to the marischal, and one to the advocate. Also, it is ordered, That none presume to sit upon the benches save the nobility: That the officers of state sit upon the steps of the throne: That the commissioners for shires and burrows sit upon the fums appointed for them: That noblemen's eldest sons and heirs sit on the lower bench of the throne: That the lords of session sit at one table which is to stand betwixt the throne and the commissioners from burroughs, and that none presume to sit at the clerk's table save the clerk register and the deputies and servants to be employed by him in the service of the house, nor to stand betwixt the throne and the clerk's table: That any other persons allowed access shall sit at the farther end of the seats appointed for commissioners from shires and burroughs. And it is appointed, that the knight marischal and macers be careful, as they will be answerable upon their peril, that these orders be obeyed, and that they exact twenty shillings sterling for each person who shall be found within the house, and are not members, or admitted as aforesaid, besides their removal, and imprisonment at the second fault: That after the house is set, none offer to stand, or walk, or keep private discourses one with the other: That none go furth, except in cases of necessity, and that they forthwith return, nor any persons suffered to stay at the committees save members of parliament: That in the debates of the house, no person offer to interrupt another, nor direct his discourse to any but to my lord chancellor or president: That all reflections be forborne, and that no man offer at one diet, and in one business, to speak oftener than twice at most, except in such cases where leave shall be first asked and given by his majesty or commissioner: That no member shall leave the house till the meeting be dissolved.—By subsequent acts the clerks of the council, the clerks of the justice court, the sheriff depute of Edinburgh, the commander of the forces, captain of the guard, keeper of the signet, and king's chaplain, were to be allowed to stay in the house during the sitting of the parliament.—Acts, vol. ix. p. 247.

of dragoons for eighteen months, the period they calculated the war would last—the money to be raised by an excise on malt liquor, and an additional poll-tax* and cess, in which the secret favourers of James outran the others, and wished, by oppressive grants to the king, to render his government hateful. Being accustomed to the cess, that tax was easily understood, but the manner in which the excise should be levied occasioned considerable dispute. There was a former tax upon malt of two merks [half-a-crown] on the boll; the present was proposed to be three pennies on the pint

* The rates at which the poll money was to be levied were as follows, and mark the gradation of ranks then existing, and their comparative affluence. Perhaps the value of money in purchasing the necessaries of life might be reckoned worth five times what the same denomination of coin would purchase now; or, to use a common phrase, one pound then would have gone as far as five now:—All persons, of whatever sex or quality, except those supported by charity, and children under sixteen years of age, and those belonging to a family,—whose poll was one pound ten shillings Scots, [2s. 6d. sterling] or under, were to pay six shillings Scots per head, [6d. sterling.] Every cottar having a trade to pay in addition six shillings, [1s. sterling.] All servants receiving more than six pounds [10s.] yearly fee, the twentieth part of their fee, including the six shillings Scots. All tenants to pay to the king one merk [1s. 3d. sterling] for each hundred merks [L.6, 5s.] of the master's valued rent, proportioned to their respective rents, including the said six shillings. Tradesmen inhabiting burghs, whose free stock and means amounted to one hundred merks, and did not exceed five, one mark, including the six shillings. Tradesmen, shopkeepers, with five hundred, one pound ten shillings; above five hundred to five thousand, [L.31, 5s.] two pounds ten shillings, [4s. 2d.]; five thousand, not exceeding ten, four pounds, [6s. 8d.]; and all merchants, shopkeepers, &c. above ten thousand, [L.625,] ten pounds, [16s. 8d.]

All gentlemen so holden and repute, owning themselves to be such, and who will not renounce any pretence they have to be such, three pounds, if not classed under any other head subject to a greater. Heritors above fifty pounds, and under two hundred, valued rent, four pounds; two hundred and under five, nine pounds; five hundred and under a thousand, twelve pounds; one thousand pounds and above, and all knights and knights baronets, twenty-five pounds. Lords, forty pounds; viscounts, fifty; earls, sixty; marquisses, eighty; dukes, one hundred pounds. The dukes eldest sons ranked marquisses, and so with the other ranks of nobility. Nor were the ladies exempted. Widows were rated at a third of what their husbands would have paid, and daughters at a third of their brothers; heiresses were rated as males; notars, procurators, and messengers at arms, four pounds; writers, agents, clerks, and macers, six pounds; writers to the signet, advocates, sheriffs and their deutes, commissars and their deutes, and doctors of physic, twenty-four pounds "Scottis money;" ministers, twelve pounds; and officers of the army one day's pay.—Acts, vol. ix.

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1693.

Debate on
the malt
tax.

[twopence sterling per gallon] of ale; but as it was supposed there might be some confusion in collecting, the opinion of the majority was, that the tax on malt should be abolished, and the whole levied upon the liquor, which would have been both easier and more equitable, as, from the difference in dry measure, a boll of malt in one county made twelve gallons of ale, and in another fifteen of equal strength. But to this the commissioner would not agree, as he had no instructions. It was then proposed to lay the whole upon the malt, but here the landed gentlemen would not concur; they agreed that the tax imposed upon malt fell necessarily upon the barley of which the malt was made, and consequently was paid by the grower, whereas "the excise upon the drink was paid by the drinker." Nor could all the logic of the secretary convince them that the tax in both cases was paid by the consumer; the excise was therefore voted to be imposed as before, part upon malt and part upon ale; but to provide against loss, they agreed to continue the tax for twenty-three months, instead of a year and a half, by which manœuvre, in order to shift the burden from off their own shoulders, the country was amerced in an additional fifteen thousand pounds, and paid sixty instead of fifty-two thousand pounds sterling. To prevent the farmers who were accustomed to brew their own ale from reaping any advantage, a clause was inserted in the act, that from the time of its passing, private persons should pay the same duty as those who brewed for sale.*

Act re-
specting
seamen.

LIX. Before the revolution the sailors appear to have been subjected to the same service as the landmen, and every male between sixteen and sixty was liable to be sent to the army, but about that time, the seamen, fishermen and boatmen were separately inrolled, and by two acts of this parliament, first, every fourth man and then every eighth, were ordered to be seized by the magistrates of the respective sea-ports, and delivered up to the lieutenant-governor of Blackness castle

* Another invidious exception was claimed by the landholders. To ease themselves of the cess, it was proposed to allow such of them as were in debt, to retain in their hands one sixth part of the interest payable by them to their creditors, upon the ground that personal property escaped while they suffered; but it was thrown out in a committee.

or his deputies, who were to forward them to the different rendezvous at Leith and Dundee, where, upon their arrival, they were to receive a gratuity of twenty-four pounds, besides regular pay, the same as those upon the English establishment; but the naval service then does not appear to have been more enticing than at an after period, for the sailors crowded the merchant ships going to foreign ports, and it was necessary, by strong enactments, to enforce the levy, and prevent them from seeking employment abroad.

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1693.

LX. An act for promoting the peace of the church and country was at the same time passed, which had very nearly destroyed the tranquillity of both; besides those who were already legally obliged to swear, the oath of allegiance and assurance was ordered to be extended to all lords and their eldest sons, to prevent "hedging politics," to all ministers and preachers whatever, to the lowest office-bearers in church and state, and to all who were entitled to elect them; but a discretionary power was left with the privy council as to the time and manner of enforcing it.*

Extension
of the oath
of allegi-
ance.

LXI. As the estates had so readily acceded to the demands of the court, the commissioner agreed to examine the administration of justice. The venality which the restoration had introduced, the revolution had not cured; for even the opposition which the duke of Hamilton had shown to the judicial arrangements was attributed to his desire to have the seats filled with his own creatures—as he had so many law-suits pending—rather than to any wish for purifying the bench. Tarbet, clerk register, was so flagrantly guilty of falsifying the minutes of parliament, both in public and private business, that his friends were unable to defend him, and he even gave over attempting to justify himself. To avoid being brought to their bar, for issuing in their name an order which they never gave, in a case depending between his own mother and lord Collington, he was obliged to decline acting as clerk in the cause, and offered his office for sale; and the lord advocate and solicitor general took fees for their advice in causes upon which, as members of parliament, they were to sit as judges. Where so many were

Adminis-
tration of
justice exa-
mined.

* Carstairs's Papers, pp. 173—175.

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1693.

involved, the defaulters were passed over; but, in order to prevent in future similar mistakes—as these vitiations were delicately termed—which had taken place in the court of session, it was ordered that in all points to be voted by the judges, the question should be first clearly stated and fairly written out by the clerk, and after the interlocutor was pronounced, that it should be written by the clerk upon the process, and signed by the chancellor or president, in presence of a quorum of the lords. Sentences otherwise written, besides being null, subjected the writer and signer to deprivation.

Abuses in
court of
session.

LXII. By the constitution of the court, which at this time consisted of fourteen judges and a president, each of the fourteen in rotation sat as ordinary in the outer-house to determine causes in the first instance, before they were brought under review of the whole house; but in cases where their friends were interested, it would appear that they had sometimes deserted their outer-house duties, in order to aid, by their vote or advice, the ultimate decision of the court. To prevent this, they were ordered to take their weekly turn regularly, and not allowed to vacate their seats as ordinary without an excuse satisfactory to the “haill lords,” under pain of being mulcted of their salary for the session; or if they remained in the inner-house after delivering their reports, it was decreed to be a sufficient ground of declinature against them by any of the parties who suspected them of partiality. So universally, however, were the law courts polluted, that the reports also seem to have been altered in their progress from the outer to the inner-house; and in order to guard against chicanery, the clerk was ordered to write the minutes in presence of a procurator of each party, who were to subscribe them along with the lord reporter. As the key-stone of all the other abuses, the proceedings of the court had been latterly carried on with closed doors, and their judgments concerted in private after the parties were withdrawn. They were again ordered to be thrown open, and the deliberation of the judges subjected to the salutary influence of public opinion.

LXIII. In criminal processes, injustice had been avowed and defended, and the justiciary had adopted the forms of the

inquisition, in reasoning, debating, and deciding, not only with shut doors, but in absence of the party accused; this iniquitous system was at the same time abolished, and the halls of justice were declared open to all, except in cases of rape, adultery, or similar crimes, where a discretionary power was left with the judges for the sake of public morals, of excluding all persons, except the parties, during the leading of the proof.

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XX.

1693.

In court of
justiciary.

LXIV. How to reconcile the church was, of all discordancies, the most difficult. The ministers stood with regard to William in a situation very nearly resembling that in which their predecessors were, when their power of meeting was at issue with James VI.; and it required no little address to manage the parties in the awkward predicament in which the dissolution of the last assembly had placed them. To prevent the announced meeting, which some of them would most probably have held without any royal warrant, Johnston proposed that the parliament should interpose as mediators. He thought, by procuring from the estates a supplication to the king for calling a general assembly, he would save his majesty's honour, while he afforded the ministers a plausible apology for not keeping their own appointment, as the express object of the diet prayed for, was to set at rest the subject which had occasioned their late abrupt termination. In private he had consulted with several of those whom he considered as the most moderate among the presbyterians, who flattered him with the hope of being able to persuade their brethren to acquiesce; and he carried what he considered a healing measure without opposition, except from the earl of Melville and his party, whose influence he was not much disposed to regard.*

Parliament
supplicate
for a gene-
ral assem-
bly.

LXV. Neville Payne, whose spirit torture and confinement had not subdued, but who had from his prison continued to correspond with James and his friends, received an indictment, and, together with the duke of Gordon and lord Seaforth, was to have been tried by the parliament along with these noblemen; but the extensive ramifications of their

Neville
Payne, &c.
referred to
the court of
justiciary.* Carstairs's State Papers, p. 160, *et seq.*

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1693.

treasons, and their intimate connexions either with persons in power or their relations, prevented any material proceedings; and just before the session rose, they were remitted to the commissioners of justiciary to have their processes discussed by them—a gentle way of getting rid of what might have been dangerous to pursue;—for such was the infelicity of the Scottish government, that one half of them were ever afraid to prosecute detected traitors, lest some of their nearest relations might be involved by their discoveries, if pushed to desperation.

LXVI. The parliament then rose; but in their letter to the king, while expressing their satisfaction at having been able to gratify his royal expectations, they were, at the same time, obliged to apologize to the lieges, whose anticipations they had disappointed by having instituted no inquiry into the massacre of Glenco—an affair which they carefully avoided mentioning; but their delicacy increased, instead of lessening, the desire for an investigation, as it was evident they were not themselves satisfied. This letter is remarkable, as being the first expostulatory address which a parliament of Scotland presented to a British monarch through the regular medium of the ministers; and ran thus: “Sir,—We have, in duty and obedience to your commands, and from the consideration of our unhappiness in your absence and distance from us, forborne at this time to enter upon the subject of some things that are heavy and uneasy to your people; and we have been the more concerned to do this, because it is the greatest instance of duty, and the most suitable return we could make to the confidence your majesty hath been pleased to put in us by calling us together at such a time. We do therefore leave it with your majesty’s commissioner and secretary, now with us, [who we firmly believe will give your majesty true and faithful accounts,] to inform you of such things as render your subjects uneasy, and make them apprehend from their daily observation and experience, as well as from the memory of what is past, that all that is done may happen to prove ineffectual, unless your majesty, in your royal wisdom, shall fall upon measures for animating the administration here with a spirit sufficient and disposed

Letter of
parliament
to the
king.

to execute the duty and affection which we hope have appeared in the present parliament.”*

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XX.

LXVII. Notwithstanding the adroitness with which the parliament had been managed, it soon became apparent, after they separated, that they had skinned the sores of the country, not healed them; the three principal grievances remaining still unredressed—the church, Glenco, and Stair. When the act for quieting and settling the peace of the church came to be examined, the general impression among the presbyterians was, that it had originated with the friends of the late Scottish hierarchy, to destroy their establishment; while the episcopalians, on the other hand, represented it as introduced to prevent them from ever enjoying those privileges which the king intended they should. The address contained in it for calling a new general assembly, it was remarked, struck at the rights and privileges of the church in a most sensible manner; for it implied an approval of the king's dissolution of the last, condemned the protest, disallowed the intrinsic power of the church for appointing assemblies *pro re nata*, and surrendered the right of annual meetings given them by the act of settlement. The terms again upon which the episcopalians were to be admitted, viz. subscribing the confession of faith, and acknowledging presbytery to be the only legal form of church government, were affirmed to be such that no conscientious prelatist could comply with.

1693.

All parties
dissatisfied,

with the
act respect-
ing the
church,

LXVIII. But the act enforcing the oath of allegiance, and the assurance upon every minister and preacher, was equally opposed to the inclinations of both presbyterians and episcopalians. The presbyterians, as if dissension had been entailed on them, although they all refused to take the oath, yet did so upon different grounds. Those who adhered nearest to their original principles, deemed the imposition of any civil oaths as a qualification to sit in church courts an erastian encroachment upon the freedom of a christian church; sinful, unwarranted by the scriptures, and condemned by their confession. The others, who were inclined to coalesce with the curates, considered it as deciding a political question, with which, in their capacity of ministers, they ought not

and with
the assur-
ance.

* Scottish Acts, vol. ix. p. 238, *et seq.* Append.

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XX.1694.
The pres-
byterians.Episcopa-
lians.Both
deceived.Ministers
resolve

to interfere. They said "that the right of people to depose their king, had been doubted by many great men—yet, by swearing allegiance to William as king *de jure* as well as *de facto*, this principle was affirmed; for it was the only right by which he held his throne:—that it was asserted in the Confession of Faith, difference of religion did not vacate the subject's allegiance; yet that was the most important reason given by the estates for forfaulting king James:—that more particular tenderness was expected from ministers of the gospel than from other men; they were not obliged implicitly to obey orders of state, nor did they know in what sense they were to declare William as king *de jure*—whether by right of blood, of election, or of conquest; for all these had been pleaded for, nor had parliament yet determined the point. And it was asked, whether they ought so inseparably to link themselves to a government whose prevailing counsels were opposed to them, and declare against another whose interest it was now to support them, and who had declared that their inclination accorded with their interest?" The episcopalians unanimously denied the right of William, and condemned, without periphrase, the doctrine of resistance, and therefore refused the assurance; but they had expected, from their friends being admitted to the councils of the king, that it would not be rigorously exacted; and the presbyterians were quieted with oblique hints, that the privy council, as they were empowered to do in other cases, would give a dispensation in their favour. Both parties were thus deceived; and the consequence was, as in all such cases, when they found themselves mistaken, that they made an outcry loud in proportion to their former calm. Yet the episcopalians were not turned out of their livings; and when instructions came from court to hold a general assembly, but not to suffer a member to sit until he had taken the oaths, the presbyterians—and with some degree of justice—complained of partiality, and prepared for resistance.

LXIX. When lord Carmichael, who was appointed commissioner, arrived in Edinburgh, he found the ministers decided in their resolutions not to comply; they had not met in obedience to their own adjournment, in order to avoid

any disagreeable contest with his majesty, but this submission, instead of alleviating, had aggravated their situation; and they were confirmed in their resolution by the reproaches of the society-men, who tauntingly asked them what advantages they had reaped from their cowardly desertion of the cause of their church, and their sinful association with her enemies?

BOOK
XX.

1694.

To refuse
the assur-
ance.

LXX. The commissioner, who saw it would be impracticable to enforce the oaths, and impolitic to dissolve the assembly, reduced to a perplexing dilemma, despatched an express to London for further instructions; at the same time the ministers sent up a memorial to Carstairs, entreating his interference at this critical conjuncture. When the express was received, Carstairs was absent, and before his arrival, the king, by the advice of Stair and Tarbet, who represented this obstinacy of the ministers as rebellion, had renewed his orders more peremptorily, and returned them by the same messenger. Carstairs fortunately arrived that very evening; and on perusing his letter, he inquired into the nature of the despatches that had been sent off to Scotland, and learning their contents, went directly, in his majesty's name, and required the messenger, who was just setting off, to deliver them up to him. It was now late, but there was no time to lose, as the assembly was to sit in a few days. He therefore flew to the king's apartment, to obtain admission, and informing the lord in waiting, that it was a matter of the last importance which had brought him at that unseasonable hour, insisted upon seeing his majesty although in bed. Entering the chamber, he found the king fast asleep; when, turning the curtain aside, and falling down upon his knees, he gently awoke him. The king, astonished to see him at that hour, and in such a posture at his bedside, asked what was the matter? "I come," he answered, "to beg my life." "And is it possible," said his majesty, "that you can be guilty of a crime that deserves death?"—Carstairs confessed it was so, and produced the despatches he had brought back from the messenger. "Have you indeed presumed," replied William, frowning severely, "to countermand my orders?"

Commis-
sioner
sends for in-
structions
—ministers
apply to
Carstairs.

His reso-
lute con-
duct.

LXXI. Carstairs begged leave only to say a few words, and

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His repre-
sentation to
the king.

he would submit to any punishment his majesty saw proper to inflict. Being allowed, he proceeded,—“The king,” he said, “had now known him long, and knew his entire fidelity and attachment to his person and government. Some of his servants in Scotland might find it their interest to impose upon his majesty to screen themselves from his merited displeasure; others might, under the mask of zeal for his service, seek only to gratify their own private resentments, and while they pretended to conciliate all parties to his government, might pursue such measures as would only unite them in opposing it:—that this was the foundation of all these factions that had hitherto rent that kingdom and made its crown sit so uneasy upon his head; but for his own part he could call God to witness, that ever since he entered into his majesty’s service he had had no interest—for he could have none—separate from that of his master:—that though he had been educated a presbyterian, and had a natural bias to that form of church government, yet his majesty knew that when he recommended the establishment of presbytery in Scotland, he did it because he was firmly persuaded the presbyterians were the only friends his majesty had in that country. His regard, however, to their principles had not rendered him blind to their faults; he had been aware of the indiscreet use they might make of lord Melville’s concessions, and had freely spoken his sentiments on the subject; and with the same freedom he had remonstrated against the precipitate measures adopted in the last session of parliament, under the pretext of correcting the errors of the former. The effects had justified his opinion of both. The first had alienated all the episcopalians, the last, great part of the presbyterians, from his administration. One thing alone was wanting to complete the wishes of his enemies, and that was to cement the two parties by one common bond of union, for which nothing could be better calculated than the advice given to his majesty, to insist upon the ministers taking the oaths before he allowed the assembly to sit. Although,” continued he, “there was nothing unreasonable in the request, yet some of their leaders had succeeded in representing their compliance as inconsistent with their principles, and had prevailed upon them to refuse; but however unjustifiable

such conduct might be, it proceeded from no disaffection to his royal person and government; and while that was the case, it was more his interest to confirm their affection by dispensing with, than alienate them by enforcing the rigour of the law; and by countermanding the instructions he had sent down to his commissioner, he would confer the greatest obligation on the whole body of the presbyterian ministers, gratify all his friends in that country, and thwart the insidious arts of his and their enemies."

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LXXII. The king heard him with great attention, and when he had done, gave him the despatches to read, and desired him to throw them into the fire. After which, he bid him draw up such instructions as he thought would be for the public advantage, and he would sign them. Carstairs immediately wrote to the commissioner, signifying that it was his majesty's pleasure to dispense with putting the oaths to the ministers, and despatched it by the messenger, who, by being thus detained, did not reach Edinburgh till the morning of the day fixed for the meeting of the assembly. This transaction, which places William's character in a most estimable light, as a prince open to conviction, even after he had issued his orders, confirms the view I have taken of his conduct in the business of Glenco. The confidence which he had in Stair, led him here to adopt a measure equally foolish with some of the ecclesiastical blunders of the Stuarts; and had he, like them, been equally headstrong, a scene of confusion must have ensued which perhaps might have led even William to authorize persecution, and overturn the liberty so recently established.

The king's
decision.The oath
dispensed
with.

LXXIII. Anxiety and expectation in the Scottish capital were wound to their highest pitch by the delay of the messenger. The commissioner was bound to dissolve the assembly—the ministers were resolved to assert their own authority as independent of the civil magistrate; both were apprehensive of the consequences, and looked forward with fearful anticipation to the issue of that day's contest as decisive, not only of the fate of the church of Scotland, but of the peace of the country, when, to their inexpressible delight, the orders countermanding the dissolution of the assembly were announced. Filled with gratitude, the assembly sent a most

General as-
sembly
meets.

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1694.
Admits
conformed
ministers.

dutiful epistle to the sovereign, and, in the transports of victory, adopted under another name the measure which had originated the quarrel—they consented to admit to ministerial communion such of the conform-ministers as, having qualified themselves according to law, should acknowledge the Confession of Faith, and submit to the presbyterian church government. The only dissatisfied minister appears to have been Mr. John Hepburn of Orr, in Galloway; but a number of private individuals, chiefly of those who had belonged to the societies, openly condemned the church judicatories for receding from their principles in relation to the constitution and government of the church, as contained in the Confession of Faith. With these the commission were ordered to take all due pains; to inform, convince, and satisfy them of their mistakes:—a part of their duty which they found fully as arduous, and not quite so successful, as that of inducing several of the curates to qualify according to law, to take their stipends, and assist in governing a presbyterian church. But as the leniency of government was still extended to the episcopalians, although they did not conform, the work of assimilation proceeded slowly in the north, which for some time continued to exhibit a strange and unique ecclesiastical anomaly, of the ministers of the established religion preaching in meeting houses in the same parishes where dissenters filled the pulpits of the parish churches.*

William's
joining the
league a-
gainst
France,

LXXIV. Engrossed almost entirely by his mighty plans for humbling France, and establishing a balance of power in Europe, William was in a great measure estranged from Scotland, a poor and a troubled country, and appears to have acquiesced in his secretary Johnston's opinion, that it could be only of service in providing him with recruits. But the Scots were dissatisfied with the war; and the ministers who had been accustomed to consider Louis XIV. as a principal limb of antichrist, were astonished at the declaration of the allies, and hesitated, when called to humiliation, fasting, and prayer, for the success of a league, one of whose objects was "to cause that same Louis make reparation to the *holy See*

* M'Cormick's Life of Carstairs, p. 58, *et seq.* Acts of Assembly, 1694, p. 11, *et seq.* Memoirs of the Church of Scotland, Lond. 1717. Appendix, 321.

of Rome, for whatever he had acted against it; and declare void all the infamous proceedings of his parliament of Paris, prejudicial to *the holy father pope Innocent XI.*”* The nobility were dissatisfied when they saw the troops they had voted for their own defence, to repel invasion, and secure internal tranquillity, not raised; and the commissions they had expected for themselves, their sons, or their dependants, not filled up; or the men drafted to supply the regiments on the continent, and the money expended in alien service. The merchants, who had anticipated a lucrative foreign trade, were ruined by the privateers of France, at no times so numerous and so successful; and the jacobites incessantly sounded their watchword of inquiry into the massacre of Glenco.

LXXV. William had repeatedly promised to preside in the Scottish parliament in person, but domestic affliction was now added to his other distractions; and he had lost in his queen, who died December 1694, not only an able assistant in the affairs of government, a counsellor on whose judgment he could rely in the most embarrassing situations, and on whose fidelity and discretion he could place the most unbounded confidence—but he had lost an affectionate companion, whose undivided interest was his own; with whom he could relax without fear, and whose kindly bosom was his chief solace amid the anxiety and turmoil of so troubled a life. The tender regard with which he ever cherished her memory evinced the deep hold she had on his heart, and the nation, with a generous sympathy, shared in his bereavement;

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Displeases
all parties.

Death of
queen Ma-
ry.

* William was most assuredly no friend to popery, and was in truth the bulwark of protestantism; and never were there two greater devotees of the Romish superstition than Louis and James, but the former was the ally of his holiness, and the latter in vain sought his interference. The earl of Perth, who was James's ambassador at Rome, could get nothing from Innocent but fair words; “He called the king a saint, and said, ‘God knows, to restore the king I would give my blood! but christians have lost all respect for us—for us!’ said he.” Orig. papers published by M’Pherson, vol. i. 533. So great was the admiration of William’s character in the papal metropolis, that the earl in another letter, complains, “really it’s scandalous to hear what is said every day publicly, when they make comparisons betwixt an heretical usurping tyrant, and his majesty.” Ib. p. 538. Had William not been surrounded with traitors, among whom Marlborough and Godolphin appear conspicuous, the glory of effectually humbling Louis had not been left to Anne. James’s Mem. vol. ii.

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they admired Mary for the amiable proprieties of the woman not less than for the distinguished virtues of the queen ; for she had during five years exemplified on the throne, those high qualities, which a mourning nation a few years ago attributed to a late princess, and had fondly expected would embellish another female sovereign.

THE HISTORY OF SCOTLAND.

Book XXI.

William III. Parliament.—Inquiry into Massacre of Glenco.—Maritime protection of Trade.—New mode of levying soldiers.—Attempt to heal the divisions in the church ineffectual.—Encouragement of Trade.—Extraordinary privileges of the Linen Incorporation.—African Company.—Bank of Scotland.—Darien Expedition projected by Patterson.—Opposed by the English Parliament.—A new plot to assassinate the King.—Associations for defending his person.—State of the Scottish council.—Parliament.—Act for security of the kingdom.—English withdraw from the African Company.—The King interferes with their proceedings abroad.—Peace with France; William acknowledged by Louis.—Siege and surrender of the Bass.—Its fortifications razed.—The peace with France ruinous to the Scottish speculations.—Partition treaty.—English refuse to support a standing force.—Parliament.—Agrees to keep up the Scottish army.—Proceedings respecting the Darien expedition.—It sails.—Its arrival and operations.—Fails.—Causes of its failure.—Address of the General Council received coolly by the King.—Motives alleged for his aversion to the expedition.—Ferment in Scotland.—Parliament.—Petitions respecting the state of the country.—Resolution anent the expedition evaded.—Remonstrance.—Jacobites celebrate prince of Wales' birth-day in Edinburgh.—Riot.—Curious punishment of the rioters.—Causes of depression of trade in Scotland.—Remedies proposed.—State of parties.—A national address for a Parliament.—Association for forbearing the use of foreign wines, &c.—Parliament.—Acts for securing the protestant religion; personal liberty; and support of trade.—Discussion on Darien expedition.—Supply granted.—Dreadful fire in Edinburgh.—Foreign affairs.—English parliament determines to support the King.—Death of James VII; his son acknowledged by Louis as king of Great Britain.—Party feeling in Scotland subsides.—Society-men refuse to join the church.—Heresy of Antonia Bourignon.—General Assembly.—Death of William.—His recommendation of a Union.—Character.—1695—1702.

I. THE increasing necessities of the state demanded another parliament, and the duke of Hamilton having died, the earl of Tweeddale, now created a marquis, was sent down to Scotland as commissioner, with instructions as far as possi-

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William
III.

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Parliament.
—Tweed-
dale com-
missioner.The king's
letter.Answer of
parliament.Inquiry in-
to the mas-
sacre of
Glenco.

ble to gratify the ancient kingdom, [9th May.] In his letter the king again expressed his regret that his important engagements abroad prevented him from meeting with them—congratulated them upon the appearances of moderation which their church affairs assumed—assured them that no subsidies would be required, but such as should be expended in their defence—reminded them of the dangers with which they were still surrounded, and assured them that he would not forget the purport of their addresses at the close of the last session. Tweeddale repeated his majesty's expressions of regard, particularly for the church, and his determination to maintain the presbyterian form of church government; and to induce them to be liberal in their supplies, he told them, "that if they found it would tend to the advancement of trade, that an act should be passed for the encouragement of such as should acquire and establish a plantation in Africa or America, or any other part of the world where plantations might be lawfully acquired, his majesty was willing to declare that he would grant to his subjects of Scotland, in favour of their plantations, such rights and privileges as he was accustomed to grant to the subjects of his other dominions." Annandale, now forward in his loyalty, seconded, as president, the commissioner, in a laudatory speech, and pathetically urged a cheerful acquiescence in his majesty's demands, as the only way left to show their deep sense of the inexpressible loss they had just sustained, in the death of the best of queens, and to make it in some measure more supportable to his majesty. The estates, in an address of condolence, assured the king that nothing should be wanting on their part to evince to his majesty the sincerity of their affection for his person, and their readiness to assist him against all foreign and domestic enemies.

II. The first business, after appointing the various committees, that came before the house, was the Massacre of Glenco. This had been anticipated; and when a motion for an inquiry was announced, the commissioner informed them that the king had appointed a commission under the great seal for investigating the circumstances, and would communicate the result. The substance of their report I have given in the account of the massacre, which, when compared

with any evidence that can now be collected on the subject, appears to have been conducted with fairness and candour. When laid before parliament it was discussed section by section. As the character of the king had been ostentatiously brought forward by the late secretary to screen himself, his majesty's instructions of January 11, and 16th, 1692, were first considered, and it was resolved by an unanimous vote that they did contain a warrant for mercy to all without exception, who should offer to take the oath of allegiance and come in upon mercy, though the first day of January 1692 affixed by the proclamation had passed; and therefore they contained no warrant for the execution of the Glencomen in the month of February. The accompanying letters of the master of Stair were then produced, and the question put whether they exceeded the royal instructions in authorizing the murder of the Glencomen; which was unanimously voted in the affirmative. The original guilt of the transaction thus transferred to Dalrymple, the sense of the estates was taken with regard to the criminality of the inferior agents:—sir Thomas Livingstone was found to have acted according to his instructions, and colonel Hill, who was personally examined, was exculpated; but orders were given to prosecute lieutenant-colonel Hamilton, captain Glenlyon, Lindsay, ensign Lundie, and serjeant Barber. Major Duncanson was remitted to the king to be prosecuted or not as his majesty should see fit. An address, founded upon these votes was transmitted to the king, along with a recommendation of the surviving Macdonalds to the royal charity and compassion. The recommendation was attended to, but the actors in the massacre, Stair excepted, who was dismissed, escaped upon earth any other punishment than the stings of conscience, or the visitations of providence. The Scottish parliament, however, must stand acquitted; they did what they could to wash away the guilt of innocent blood from the public.* The disgrace of Stair was followed

Votes respecting it.

Dalrymple dismissed from office

* This important document, which gives a full and dispassionate view of the subject, is of much interest; and as Glenco was necessarily brought forward by the jacobites as an offset against the atrocities of the preceding reign, I deem it necessary to place it before my readers as containing the deliberate decision of the parliament upon the whole transaction, after a long and careful investi-

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Breadal-
bane impri-
soned.

by the accusation of Breadalbane, who was committed prisoner to the castle, and served with an indictment for the share he had in the negotiations with the highlanders, and procuring the sanguinary orders; but he was never brought to trial, and only suffered a temporary confinement.

gation, during which the king may be said to have stood at the bar of his subjects, and to have had his own personal conduct tried in conjunction with that of his servants.—“WEE your majestie’s most loyal and dutiful subjects, the noblemen, barons, and burrowes, assembled in parliament, do humbly represent to your majesty, that in the beginning of this session wee thought it our duty, for the more solemn and public vindication of the honour and justice of the government, to enquire into the barbarous slaughter committed in Glenco in February one thousand six hundred and ninety-two, which had made so much noise both in this kingdom and your majesty’s other dominions. But wee being informed by your majestie’s commissioner, that we were prevented in the matter by a commission under the great seal for the same purpose, Wee did upon the reading of the said commission unanimously acquiesce to your majestie’s pleasure, and returned our humble acknowledgments for your royal care in granting the same. And wee only desired that the discoveries to be made should be communicated to us; to the end that wee might add our zeal to your majestie’s for prosecuting such discoveries, and that in so national a concern the vindication might be also publick as the reproach and scandal had been; and principally that wee, for whom it was proper, might testify to the world how clear your majestie’s justice is in all this matter.

“And now your majestie’s commissioner having upon our repeated instances communicated to us a copy of the report, transmitted by the commission to your majesty, with your majestie’s instructions, the master of Stair’s letters, the orders given by the officers, and the depositions of the witnesses relating to that report, and the same being read and compared, wee could not but unanimously declare that your majestie’s instructions of the eleventh and sixteenth dayes of January, one thousand six hundred and ninety-two, touching the highlanders who had not accepted in due time of the benefit of the indemnity, did contain an warrant for mercy to all without exception, who should offer to take the oath of allegiance, and come in upon mercy, tho’ the first of January one thousand six hundred and ninety-two prefixed by the proclamation of mercy was past, and that these instructions contain no warrant for the execution of the Glenco-men, made on February thereafter. And here wee cannot bot acknowledge your majestie’s clemency upon this occasion, also well as the whole tract of your government over us; for had your majesty, without new offers of mercy, given positive orders for the executing the law upon the highlanders, that had already dispised your repeated indemnities, they had but met with what they had justly deserved.

“BOT it being your majesty’s mind, according to your signal clemency, still to offer them mercy, and the killing of the Glenco-men being upon that account unwarrantable, also well as the manner of doing it, being barbarous and inhumane, we proceeded to vote the killing of them a murder, and to enquire who had given occasion to it or were the actors in it.

“WEE found, in the first place, that the master of Stair’s letters had

III. Next to Glenco, the depredations committed on the Scottish trade by French privateers was deemed the most immediately interesting inquiry ; and the means proposed for its protection show at once its circumscribed nature, and

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exceeded your majestie's instructions towards the killing and destruction of the Glenco-men. This appeared by the comparing of the instructions and letters, whereof the just attested duplicates are herewith transmitted, in which letters the Glenco-men are over and over again distinguished from the rest of the highlanders, not as the fittest subjects of severity, in case they continued obstinat, and made severity necessary according to the meaning of the instructions, bot as men absolutely and positively ordered to be destroyed, without any farther consideration than that of their not having taken the indemnity in due time ; and their not having taken it, is valued as a happy incident, since it afforded an opportunity to destroy them. And the destroying them is urged with a great deal of zeal as a thing acceptable and of use, and this zeal is extended even to the giving of directions about the manner of cutting them off, from all which it is plain, that though the instructions be for mercy to all that will submit, tho' the day of indemnity was elapsed, yet the letters do exclude the Glenco-men from this mercy.

" In the next place, wee examined the orders given by sir Thomas Livingston, in this matter, and were unanimously of opinion that he had reason to give such orders for the cutting off the Glenco-men, upon the supposition that they had rejected the indemnity, and without making them new offers of mercy, being a thing in itself lawful, and which your majesty might have ordered. And it appearing that sir Thomas was then ignorant of the peculiar circumstances of the Glenco-men, he might very well understand your majesty's instructions in the restricted sense, which the master of Stair's letters had given them, or understand the master of Stair's letters to be your majestie's additional pleasure ; and it is evident he did, by the orders which he gave, where any addition that is to be found in them to your majestie's instructions is given not only in the master of Stair's sense, bot in his words.

" WEE proceeded to examine colonel Hill's part of the business, and were unanimous that he was clear, and free of the slaughter of the Glenco-men ; for tho' your majesty's instructions and the master of Stair's letters were sent straight from London to him, also well as to sir Thomas Livingston, yet he, knowing the peculiar circumstances of the Glenco-men, shunned to execute them, and gave no orders in the matter, till such time as knowing that his lieutenant-colonel had received orders to take with him four hundred men of his garrison and regiment for the expedition against Glenco, he, to save his own honour and authority, gave a general order to Hamilton, his lieutenant-colonel, to take the four hundred men, and to put to due execution the orders which others had given him.

" LIEVETENANT Colonel Hamilton's part came next to be considered, and he being required to be present, and called, and not appearing, we ordered him to be denounced, and seized on wherever he could be found. And having considered the orders that he received, and orders he said before the commission he gave, and his share in the execution, wee agreed, that from what ap-

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Maritime
protection
of trade.

the alteration which has taken place since that time in the cost of our maritime defence. A ship of war at present, fully equipped for sea, costs government about the sum of one thousand pounds per gun. The committee of trade, in their report "anent the naval force," gave it as their opinion, "that for the encouragement of our trade, and the protection of the coasts, a fleet was absolutely necessary, and that

peared, he was not clear of the murder of the Glenco-men, and that there was ground to prosecute him for it.

"Major Duncanson, who received orders from Hamilton, being in Flanders, also well as those to whom he gave orders, wee could not see these orders, and therefore wee only resolved about him that wee should address your majesty either to cause him to be examined there in Flanders, about the orders he received, and his knowledge of that affair, or to order him home to be prosecuted therefor as your majesty shall think fit.

"In the last place, the depositions of the witnesses being clear as to the shares which captain Campbell of Glenlyon, captain Drummond, lieutenant Lindsay, ensign Lundie, and serjeant Barber, had in the execution of the Glenco-men, upon whom they were quartered, wee agreed that it appeared that the said persons were the actors of the slaughter of the Glenco-men, under trust, and that we should address your majesty to send them home, to be prosecuted for the same according to law.

"This being the state of the whole matter as it lies before us, and which, together with the report transmitted to your majesty by the Commission, and which we saw verified, gives full light to it, wee humbly beg, that considering the master of Stair's excess in his letters against the Glenco-men has been the original cause of this unhappy business, and hath given an occasion in a great measure to so extraordinary an execution by the warm directions he gives about doing it by way of surprise, and considering the high station and trust he is in, and that he is absent, wee do therefore beg that your majesty will give such orders about him for vindication of your government, as you in your royal wisdom shall think fitt. And likewise considering that the actors have barbarously killed men under trust, wee humbly desire your majesty would be pleased to send the said actors home, and to give orders to your advocate to prosecute them according to law, there remaining nothing else to be done for the full vindication of your government of so foul and scandalous an aspersion as it has lyen under upon this occasion. WEE shall only add, that the remains of the Glenco-men who escaped the slaughter being reduced to great poverty, by the depredation and vastation that was then committed upon them, and having ever since lived peaceably under your majesty's protection, have applied to us that wee might intercede with your majesty that some reparation might be made them for their losses, wee do humbly lay their case before your majesty, as worthy of your royal charity and compassion, that such orders may be given for supplying them in their necessities, as your majesty shall think fit.

Sic subscribitur,

ANNANDALE, P."

it must consist at least of five ships of war, three of which ships to be of from thretty to fourty guns, and two of twenty to twenty-four guns, which ships may be bought for twelve thousand pounds sterling, and the maintaining of them well manned and in tair and wair for eight months in the year, will amount to twelve thousand pounds more; and in caice there be a necessity for employing any of them longer in the year than eight months, it will amount to six hundred pounds sterling more, or thereby."

iv. So long as the war required all the military forces of the country to be employed at home, the usual levy of fencible men easily recruited the Scottish army. When a small regular force was introduced by Charles for the purposes of his tyranny, the ranks were readily filled by the idle and profligate, who formed the most cherished troopers; but the constant drain of men which the new continental connexions occasioned, required a more regular supply. The principle upon which the soldiers wanted had hitherto been raised, was that of the famous Lauderdale act, offering his sacred majesty a regular force for service either at home or abroad; that however, when extended, had been found both inconvenient and oppressive. When the quotas of men were demanded from the parishes, the methods of procuring them were often vexatious and distressing;* men were torn from their families, who, thus left destitute, were thrown upon the public, and persons wholly unfit were seized and sent to make up the complement; while, at the same time, the heritors and those who contributed largely in money, were equally liable to be called into actual service, to the ruin of their circumstances and the waste of the essential strength of the country. In the new act of levy, a thousand men yearly were voted till next meeting of parliament, to be raised in

Former
method of
procuring
soldiers,

often dis-
tressing.

* A ludicrous instance is given by John Howie, in the Appendix to the Faithful Contendings. "Mr. William Boyd, a conforming minister, that he might show what kindness he had for his old friends, and that he might be behind none in this, when he was settled in Dalry, caused his elders in the night to take out of their beds severals of the dissenters in that parish, and upon the sabbath morning shaved the old men's beards to make them appear young, that so they might pass for the parish, and so presented them to the recruiting officer;" but the reverend gentleman had only the merit of the joke, the officers required youngsters.

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1695.
Method
now adopt-
ed,

debasing.

Remarks.

Attempt to
heal the
dissensions
in the
church,

the same proportions—a manner least expensive to the pockets, though most deteriorating to the morals of the people. In the first place, the commissioners of supply were to seize all idle, loose, and vagabond persons, and if they were insufficient, to make up the remainder by ballot from among the young unmarried men, not menial or domestic servants, but who earned their living by daily wages or by termly hire paid them by other masters for their handy labour, thus introducing a vile mixture into the ranks, and still farther debasing the profession of arms, which, until the restoration, had never in Scotland been considered as a punishment, but which, from the association of such characters, soon became a mark of disgrace, and an object of terror among the sober part of the lowland population.

v. These levies formed a prominent item in the catalogue of miseries, and were dilated upon with much acrimony by the enemies of the revolution; and the same arguments have been repeated again and again, since the days of the jacobites, by all who opposed Britain's interference with continental alliances. They said, to send soldiers abroad was an useless waste of blood and treasure for objects foreign to the three kingdoms, whose natural element was the ocean; and who, destined to be the first maritime power in the world, only exhausted her resources by expeditions to Flanders. Whatever weight there may have been in these objections in later times, in the days of William, or indeed so long as a rival or a pretender, other than the possessor, to the rights of the British throne existed, they were impertinent and misplaced; it was only by finding occupation for the arms of France elsewhere, that they were diverted from direct attacks upon the British isles, and it was only by circumscribing the power of Louis XIV. that the peace of Europe could be maintained.

vi. New attempts were made during the session to quiet the clerical contentions, of which the episcopalian incumbents complained, by allowing all to retain their livings who took the oaths to government, but not to be received into church courts, unless they subscribed the presbyterian formula; yet neither to be constrained to do so, nor troubled for their refusal;—a gentle method of allowing the old cu-

rates to die out, as they did not possess the power of licensing probationers or settling ministers in the establishment. Like all the other efforts to procure toleration within the bosom of the church for those who sought to destroy it, this plan also proved abortive: the one party drew their stipends, kept their churches, but were not quiet, while the other continued to tease, remonstrate, and grumble.

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1695.
Ineffectual.

VII. But the spirit of trade and adventure had been awakened, and the eagerness with which the nation entered into the numerous schemes of commercial enterprise, gave truce for a time to the hitherto paramount and engrossing subject of religious warfare. The particular attention of this parliament had been directed to these objects, to divert their activity from more disagreeable discussions; and a number of joint-stock companies received their legislative sanction, among which were establishments for gun-powder and alum, for soap, linseed oil and hats. The manufacture of paper, that had repeatedly failed for want of capital, was now undertaken with success by two foreigners and a respectable company, and others for comb-making, sugar, and starch, were formed. But such undertakings, although encouraged by peculiar privileges, were not protected by prohibitory duties on foreign articles, the importation of which it was expressly provided should not be interfered with.* The linen manufacture, which it was hoped would form the staple of Scotland, presented an exception—it received especial encouragement. All corpses were to be interred, under severe penalties, wrapt in Scottish linen; the importation of foreign fabrics, and the exportation of spun yarn, were prohibited. Besides the ordinary rights of corporate bodies, their extraordinary privileges were—an exemption from all cess supplies, and taxation for their houses and lands for nineteen years, and an order that all malt liquors used by the mas-

Attention
of parlia-
ment to the
encourage-
ment of
trade.

The linen
company.

* Among the acts passed for encouraging the arts is one in favour of Alexander Fearn, engraver in Edinburgh,—who, by the blessing of God on his painful endeavours, had attained to such perfection in that part of his art called sinking of seals in gold, silver, or steel, cutting coats of arms, names, or cyphers, but particularly that part of the art yet more singular, “which is cutting or sinking the exact effigies of any person who chooses to sit three hours severally,” whereby the lieges may be served in that kind of work much easier than when they were obliged to employ foreigners.

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ters or their servants were to be free from the custom or excise; the masters and members of the incorporation were also invested with powers, not only to make laws and by-laws for their own regulation, but to appoint a bailie from time to time, to keep and hold courts within the citadel at Leith, at Paul's Work, and at Corstorphine, for punishing lesser crimes and delinquencies committed by their servants, to decide any differences falling out between them, and to imprison and exact fines according to the laws of the kingdom.

Acts for establishing a trading company to Africa, &c. and the bank of Scotland.

VIII. Two acts, however, whose importance and consequences threw the rest of their proceedings for a while into shade, passed this session of parliament, which closed amid the plaudits and congratulations of the nation, July 17;—an act for a company trading to Africa and the Indies, and an act for erecting a public bank.* Both owed their origin to the

* The Scots were more successful in their first bank, erected this year, under the sanction of an act of their parliament, by the name of the Governor and Company of the Bank of Scotland. And though its capital stock was only L.1,200,000 Scots, or L.100,000 sterling, which in England has but a mean sound for a national bank; it has, nevertheless, proved very advantageous to the commerce of that country. It was projected by Mr. William Patterson, who projected the bank of England. Mr. John Law, who afterwards made so great a figure at the head of the finances of France, and who may be presumed to have been well acquainted with this bank, in his *Treatise of Money and Trade Considered*, asserts, "that its notes went for four or five times the value of the cash in bank; and, that so much as the amount of those notes exceeded the cash in bank, was a clear addition to the money of that nation." He adds, "that this bank was safer than that of England, because the lands of Scotland, on the security of which most of the cash of that bank was lent, are under a register; that, moreover, it was more national or general than either the bank of England or that of Amsterdam, because its notes* pass in most payments throughout the whole country; whereas the bank of Amsterdam serves only for that one city, and that of England is of little use but in London."† The Scottish bank soon rose to very great credit; yet it was once obliged to stop payment, partly occasioned, says Law, by a greater consumption of foreign wares than the value of the goods exported, partly from the expense of the Scottish nobility and gentry in England, and partly also from a supposed intention in the Scottish privy council to raise the denomination of the coin, all which, together, occasioned so great a run on that bank, that its cash was in a few days exhausted; but it soon regained its original credit, and might possibly have remained the sole bank there

* Many of the notes are so low as twenty shillings sterling. A.—Mr. A. did not expect that the bank of England was ever to descend to twenty shilling notes. M.

† In the beginning of Queen Anne's reign, when Mr. Law wrote, this assertion might be true but now the bank of England is of great use all over the country. A.

same extraordinary man to whom Britain owes the bank of England;—whose fate it has been, to be remembered only as a wild schemer, because the colony of Darien failed from circumstances over which he had no control, while the national prosperity which has flowed from two flourishing banking establishments, one of them at least the most splendid the world ever saw, has been overlooked; and William Patterson, who was reviled in one kingdom, and declared guilty of high misdemeanours in another, while alive, has been neglected, and forgotten when dead.

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ix. Born in obscurity,* it is only known that Patterson was a Scottishman. It is said, upon what authority I cannot tell, “that he was bred to the church.”† This, however, appears certain, that he must have been well educated, although so little is preserved of his early life, that he is represented to have visited the West Indies in the very opposite characters of a Christian missionary and a wild Buc-

Account of
William
Patterson.

to this day, had not the directors been thought to have testified too great a bias towards disaffection to the state. This occasioned a consideration by some noble patriots in the reign of King George I., whether another bank might not be erected at Edinburgh, for the conveniency of the government, as well as of trade in general, into which bank the public revenues of Scotland might be paid. It was accordingly incorporated by that king's charter, in the year 1727, by the name of the Royal Bank, and has fully answered the ends proposed by it, its capital being L.151,000 sterling. And though it may have pretty much eclipsed the elder bank, they, however, both subsist very well, and are extremely useful to the country.*

* The writer in the statistical account of Tinwald has the following notice: “The famous Patterson who, it is said, planned the Darien scheme, the Bank of England, &c. was born at Skipmyre, a farm in the old parish of Frailflat, about the year 1660. He does not seem to have been an *obscure* Scotchman, as a certain writer styles him: he more than once represented Dumfries, &c. in the Scotch parliament. The same house gave birth to his grand-nephew, Dr. James Mounsey, first physician for many years to the empress of Russia. The widow who now enjoys the farm is sister to Dr. John Rogerson, who succeeded Dr. Mounsey as first physician to the empress.” Vol. i. p. 263. As Dalrymple is evidently incorrect in several of his facts, from a comparison with Patterson's own statements, and Laing appears to have followed Burnet, I should have been inclined to adopt the above account, but I can find no trace of Patterson in the Scottish Parliament, and as he was several years in the West Indies before the revolution, if born in 1660, he could scarcely have been of age to have been a member previous to his going abroad. I have therefore simply stated in the text what all are agreed in.

† Dalrymple's Memoirs, vol. iii. p. 122.

* Anderson's History of Commerce, vol. ii. p. 669.

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canier.* About the end of the reign of the second Charles, that singular race of men had become nearly extinct, and their survivors, several of whom were marked by royal favour, settled in the islands, particularly Jamaica,† which, from the time of its annexation to Britain under Cromwell, began to assume that importance in the Mexican Archipelago it afterwards attained. Patterson had visited Jamaica, and a person of his inquisitive mind would naturally collect from every source, information respecting the new world, then imperfectly known, and least of all among his countrymen; and as the Buccaneers were well acquainted with the continent of South America, it is not improbable that he derived much of his intelligence from them; but there is not the smallest grounds for supposing that he ever attached himself to them as an associate.

His scheme
for extend-
ing trade.

x. Upon his return to Europe, he formed “a scheme of trade different from the methods and constitutions of any of the trading companies of England, to be carried on under the sanction of some European potentate, who might give them greater privileges and immunities than were consistent with the laws of England then in force;” and having procured the assistance of some gentlemen in London, he obtained charters from the elector of Brandenburg, afterwards king of Prussia, and from the cities of Embden and Bremen, with very large immunities and privileges.‡ From this scheme he was diverted at the time by the foundation of the bank of England and the management of an orphan fund, which

Founds the
bank of
England.

raised his character as a man of business, and attracted the particular notice of his countrymen, who were fascinated by the wealth which they saw England and Holland derive from a trade with the Indies, and were eager to enjoy a share of the gain. In the Scottish parliament, 1693, an act had been obtained for encouraging foreign trade, or for forming companies to trade to the East and West Indies or Africa, “entered into upon the terms and in the usual manner as such

* Laing, vol. iv. p. 259. Burnet, vol. iv. p. 230.

† Records of Court of Chancery, Kingston, Jamaica.

‡ A state of Mr. Patterson's claim upon the equivalent, with original papers and observations relating thereto. Lond. 1712.

companies are set up and in use in other parts ;”* and they applied to Patterson for his opinion and advice.

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XI. Patterson, whose mind was superior to the age in which he lived, and who had formed a vast plan for concentrating the commerce of the globe at one spot, now conceiving that the opportunity was favourable for executing his purpose under the auspices of his native country, and rendering Scotland the most favoured medium for distributing the riches of the world, entered warmly into the speculations of the Scottish merchants and nobles ; but wished to found his colony upon a basis, which, so far from rendering it a drain for the strength of the country, would have rendered it a conduit for pouring into her lap the profits of an overflowing and lucrative carrying trade. The isthmus of Darien was the site he chose as an emporium for the trade of the opposite continents, and its advantages he thus pointed out. “The time and expense of navigation to China, Japan, the spice islands, and the far greatest part of the East Indies, will be lessened more than half, and the consumption of European commodities more than doubled ; trade will increase trade, and money will increase money ; and the trading world shall no more need to want work for their hands, but will rather want hands for their work. Thus the door of the seas, and the key of the universe, with any thing of a reasonable management, will of course enable its proprietors to give laws to both oceans, and to become arbitrators of the commercial world, without being liable to the fatigues, expenses, and dangers, or contracting the guilt and blood of Alexander and Cæsar. In all our empires that have been anything universal, the conquerors have been obliged to seek out and court their conquests from afar : but the universal force and influence of this attractive magnet is such as can much more effectually bring empire home to its proprietors doors :” and to anticipate the objection that it would ruin Scotland, by exhausting her, as their Indian trade had done Spain and Portugal, he proposed that the company should not be exclusive. “The nature of these discoveries,” he adds, “are such as not to be engrossed by any one nation or people, with exclusion to

1695.

He enters warmly into the views of the Scottish merchants, &c.

Proposes Darien for the establishment of a colony.

Advantages it would afford.

* Acts of the Scottish parliament, vol. ix. p. 315.

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Recom-
mends a
free trade.

others, nor can it be thus attempted without evident hazard and ruin, as we see in the case of Spain and Portugal; who, by their prohibiting any other people to trade, or so much as to go to or dwell in the Indies, had not only lost that trade they were not able to maintain, but have depopulated and ruined those countries therewith; so that the Indies have rather conquered Spain and Portugal than they have conquered the Indies. People and their industry are the true riches of a prince or nation, and in respect to them all other things are but imaginary. This was well understood by the people of Rome, who, contrary to the maxims of Sparta and Spain, by general naturalizations, liberty of conscience, and immunity of government, far more effectually and advantageously conquered and kept the world, than ever they did or possibly could have done by the sword."

View of his
plan.

XII. The whole nation was dazzled with the scheme, and numerous visionary and alluring descriptions were published by anonymous pamphleteers; but these have nothing to do with the original plan, which was not grounded on the produce of mines but of industry, and on the principles of a free trade, which, even in our more advanced state of the science of political economy, have to encounter so much prejudice and prepossession, that adventitious circumstances are necessary to procure their adoption. In Patterson's own statements of his own design, although the project be grand it is not extravagant, nor are his views those of a visionary projector. The natural and obvious advantages of the trade winds were not overrated, and the idea of connecting the Pacific and Atlantic oceans by a route across the Isthmus, which he first suggested, may in happier circumstances, by its realization, prove that it was not less practicable than advantageous. The simple basis—besides the facilities of situation—on which he wished to rear a commercial structure of unrivalled grandeur, was a freedom from all vexatious imposts, and security against any arbitrary seizure of property; and it was for these privileges alone that he constructed the act, and it was obtaining these alone that originated such an opposition in England against him.*

Cause of
opposition
to it in
England.

*At that time, and in Scotland, to have proposed a company whose profits were to arise solely from the operation of a principle not then understood, would

XIII. In the act which was drawn up under Patterson's especial direction, the company incorporated by the names of the company of Scotland trading to Africa and the Indies, it was provided that the proprietors were to consist of one-half Scottishmen at least, the lowest share one hundred pounds sterling, and the highest not to exceed three thousand pounds. It was declared that the joint stock or capital fund, or any part of it, or any effects belonging to the company, should not be liable to forfeiture or restraint, in consequence of a declaration of war with foreign princes, states, or on any pretence whatever. That the proprietors should, by a plurality of votes, frame their own constitutions, civil and military, to which all persons belonging to the company should be subject, as also take and administrate oaths *de fide*, and others requisite to the management. They were likewise empowered to fit out or freight their own or foreign vessels, notwithstanding the navigation laws, for the space of ten years; to plant colonies, and build cities and forts in places not inhabited, or in any other places, by consent of the natives or inhabitants; to defend themselves, and to take reparation of damage done them by sea or land, and to conclude treaties of peace and commerce with the sovereigns or proprietors of any lands or places in Asia, Africa, or America, or with any potentate at peace with the king. And if, contrary to the rights and exemptions of the company, any of their vessels were stopped or detained by those powers, his

Rules of
the com-
pany.

have been as ineffectual as were Cromwell and William's attempts to introduce toleration. The desire of engrossing all advantages to themselves is so natural to mankind that it is as difficult to make a nation understand how they may be gainers by giving others a free and fair share in a productive commerce, as it is for individuals of contracted capacities to perceive how, by surrendering a partial profit, they may secure an extensive gain. Patterson, therefore, although he evidently founded all his hopes of success upon establishing a free colony, whose natural attachment, under proper management, would for ever have secured to the company and to Scottishmen the first and decided preference in commercial speculations, and would also have, from the moderate duties, proved an inexhaustible source of national wealth, yet was constrained to flatter the general mania of the day, and throw in a gold mine or two, and a few pearl fisheries, to catch the multitude; but these were adventitious, not necessary parts of the plan, and this will appear from Patterson's last letter to the directors, only making the deductions necessary to be made from every scheme delineated by a sanguine projector.

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majesty promised to interpose his authority to have restitution, reparation, and satisfaction for the damage done, at the public expense. The company's vessels were bound to sail from their settlements direct to Scotland, and not to break bulk elsewhere, except in case of necessity, and in return, none of the lieges were to trade to the company's possessions for the space of thirty years, without their licence. It was, besides, ordained, that all the vessels, merchandise, and other effects of the company, should be free from all duties of every description for twenty years, except sugar and tobacco not the growth of their plantations. All the members, officers, and servants of the company were declared free from impressment or personal service, and from taxation or excise for twenty years; and all foreigners were declared denizens of Scotland, and entitled to all the privileges of the native members.

English enter warmly into the scheme.

Opposed by the East India company.

xiv. The capital of the company was six hundred thousand pounds; and of the nominees empowered by the act to receive subscriptions, ten resided in London. Three months after the act had passed, a deputation proceeded from Edinburgh to the English metropolis for the purpose of carrying its provisions into effect: and so well were their intentions known, and so widely had their proposals been circulated, that in nine days after the books were opened, the whole disposable stock was subscribed for. The avidity with which the English merchants entered into the scheme awakened the jealousy of the East India company, who foresaw nothing but ruin to their exclusive monopoly in the privileges of the Scottish; and, communicating their fears to the parliament, raised an opposition at once ridiculous and extreme.*

* I have disrobed the narrative of some of its very romantic statements, such as, that "the phrenzy of the Scotch nation to sign the solemn league and covenant never exceeded the rapidity with which they ran to subscribe to the Darien company; the nobility, the gentry, the merchants, the people, the royal burghs without the exception of one, most of her other public bodies subscribed; young women threw their little fortunes into the stock; widows sold their jointures to get the command of money for the same purpose. Almost in an instant L.400,000 was subscribed in Scotland, &c." Dal. Mem. vol. iii. p. 130. "The nobility, the gentry, the merchants, every burrough, and almost every family of distinction, hastened to subscribe their names and

xv. An invidiously selfish proceeding, in violation of every principle of international justice, originated in the house of lords, whose dignity and rank ought to have secured them against the prejudices of trade, and a conference was requested with the commons to consult about inquiries the most degrading imaginable to Scottish independence. A committee was appointed to inquire what methods had been taken for obtaining such an act? who were the subscribers and promoters of the company? and a joint address to his majesty was agreed upon, which both houses presented in state. They asserted, "that by reason of the superior advantages granted to the Scottish East India company, and the duties imposed upon the Indian trade in England, a great part of the stock and shipping of their nation would be carried thither, by which means Scotland would be ren-

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By parliament.

credit, and to contribute their funds to the first of those ruinous projects or national bubbles, which were afterwards repeated on the South Sea or Mississippi schemes," &c. Laing, vol. iv. p. 266.—As it stands on the record, the whole affair is sufficiently interesting, and although entered into with surprising alacrity, was by no means done with that want of consideration, or with that mad speculative fury which distinguished either the Mississippi or South Sea schemes. This will appear from attending to the following dates. The act for establishing the Darien company passed in the year 1695, June 25. In October the same year, lord Belhaven, Mr. Robert Blackwood, and Mr. James Balfour, went as a deputation to London. The subscription books were opened first in London, and in nine days L.300,000 were subscribed in London, and one-fourth part paid in cash, a very good security against the rage of unthinking subscriptions. This, it will be observed, was six months after the whole scheme had been before the public; and it was not till the month of February, 1696, that the books for subscription were opened in Edinburgh and Glasgow, and the subscriptions were not filled up till August the same year, when, owing to the interference of the English parliament, and the drawing back of a number of the English subscribers, an additional L.100,000 was shared in Scotland fourteen months after the Scottish act of parliament had passed. If any thing like thoughtless enthusiasm existed any where, it seems to have been abroad, for Patterson went to Holland and Hamburgh in September 1696, and in the month of October L.200,000 were subscribed in these free states. State of Mr. Patterson's claim. Evidence of Mr. Roderick Mackenzie, late secretary to the company of Scotland trading to Africa and the Indies. Mr. Patterson, however, it may be remarked, made a very safe bargain for himself, although he unfortunately or generously was afterwards persuaded to trust to the honesty of the company for his remuneration. He received a grant of two per cent. upon the capital paid, and was to receive three per cent. upon the clear profits for twenty one years.

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1695.
Who address the
king.

His answer.

They vote
the agents
of the com-
pany guilty
of a high
crime, &c.

Scots dis-
satisfied at
the king's
answer.

A new plot

dered a free port, and Europe from thence supplied with the products of the east much cheaper than through them; and thus a great article in the balance of foreign commerce would be lost to England, to the prejudice of the national navigation and of the royal revenue. And when the Scots should have settled themselves in plantations in America, the western branch of traffic also would be lost, the privileges granted their company would render their country the general storehouse for tobacco, sugar, cotton, hides, and timber, the low rates at which they would be enabled to carry on their manufactures, would render it impossible for the English to compete with them, while, in addition, his majesty stood engaged to protect, by the naval strength of England, a company whose success was incompatible with its existence." The king received the address graciously, and answered, "That he had been ill served in Scotland, but he hoped some remedy might be found to prevent the inconvenience which might arise from the act," and expressed his displeasure by an almost entire overturn of the Scottish administration.

xvi. The English parliament were not, however, satisfied; they proceeded in their investigations, and voted that lord Belhaven, William Patterson, and the rest of the agents of the Scottish company who resided in London, were guilty of a high crime and misdemeanour in administering in that kingdom the oath *de fidei* to a foreign association. The Scots, who had no conception that a plan which embraced so large a proportion of English and foreign capital could ever be considered as detrimental to the commerce of their neighbours, seem never to have expected or dreaded any opposition except from the Spaniards—and for that they were prepared—when they learned the disavowal of their company by his majesty, became exceedingly dissatisfied; and the jacobites, who allowed no opportunity to escape, used every endeavour to heighten their disgust with a government which, they asserted, was ever ready to sacrifice the interest of Scotland to that of England, and that of Britain to continental connexions.

xvii. A fresh plot, of a more foul and detestable complexion than any of its predecessors, detected when just upon the

eve of execution, arrested for a time the public attention; and the Scottish parliament, participating in the general feeling of the two kingdoms, notwithstanding the insults they had received, did not interrupt the national harmony, when the invasion of the island and the life of the king were in danger. The campaign of ninety-five had been inglorious for France, and the adherents of James had been importunate, representing their numbers as sufficient to insure success, and the disposition of the people as ripe for a return to their pristine loyalty, the principal tie which had united them to William being dissolved by the death of the queen. Louis, influenced by these representations, and desirous of retrieving by some splendid act the waning glories of a reign which gave intimation of having passed its meridian, entered into the design of the British malecontents, and made preparations for supporting an insurrection, which he was told was upon the point of breaking out; twenty thousand men were collected in the neighbourhood of Calais and Dunkirk; transports were provided for their conveyance, and James, who proposed to accompany the expedition in person, had reluctantly left his delightful seclusion, not, he informs us, from any desire he had to regain the eminence he had left, but that he might not be defective in his duty to the prince his son, and his people;* but from misconception or design,

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Prepara-
tions of
Louis for
invading
England.

* In his memoirs, James gives a picture of the retirement which had such charms for him. "It was not only curiosity (though that might have some share in the first voyage) which made the king go to La Trappe, a convent of reformed Bernardines, who living up to the rigour of that most penitential father's rule, had appeared of late an astonishing example what corporeal austerities, self-denials, and eminent perfection, men who seek the glory of God and their own salvation with a true Christian fervour, with the assistance of his grace, are capable of arriving to: perpetual silence, except when they sing the office in the church, keeps their thoughts as continually fixed upon God, as their tongues are permitted to utter nothing but his praises. Their surprising abstinence from flesh, fish, eggs, milk, wine, in fine, all but herbes, roots, and cider, makes a numerous community live in a manner by their own manual labour, and out of the product of a gardening: this, with their other mortifications, in watching, habit, labour, cold and heat together, with their obedience, abjection, constant attendance at their duty, though almost continually sick, made the king think it a proper scoole of Christian patience, and so resolved to make a spiritual retreat there the first year after his return from Ireland, notwithstanding the private division he was sensible it exposed him to: but the spiritual profit he reaped from it made him continue it every year, and overlook

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James' au-
thority for
an insurrec-
tion,construed
into a per-
mission to
assassinate
William.The plot
defeated.Proceed-
ings of par-
liament in
conse-
quence.

the French king delayed the embarkation till he should learn that the friends of the exile were in arms; and before the mistake could be rectified, a discovery occurred which rendered it abortive. Connected with the invasion, a few of the more desperate intriguers had proposed to James to seize the person of William, and carry him out of the country, but this was disapproved of as impracticable, and a conspiracy for assassinating him substituted. A commission from James, authorising an insurrection, and commanding the seizure of forts, garrisons, &c. in England, and "to do from time to time such other acts of hostilitie against the prince of Orange and his adherents as may conduce most to our service," was intrusted to sir George Barclay, a Scottishman, who, by a little casuistry, easily persuaded himself that it authorised an attack upon the prince of Orange, as he continued to call the king of England, whenever a fit opportunity was afforded. His associates were one Hamine, a priest, Charnock, who had been a fellow of Magdalen College, Oxford, but turned papist, a captain Porter, and sir William Perkins. The plan was to assault William, surrounded by his guards, when setting out for the chase, but some of the under agents gave information, and the principals were arrested, except Barclay, who escaped to France. This blow prevented the invasion, and James retired to seek, in additional personal severities, "the sanctification of his soul; not content with the abjection the malice of his enemies had reduced him to."*

xviii. William seized the advantage thus afforded him, and sent a message to his English parliament, informing them of the designs against his person, and they laying aside an op-

the censures of worldly men, whose judgments are seldom true, generally ill-grounded, and always to be despised in such cases as those; and though it seemed impossible to raise these pious monks to a higher pitch of vertue than they were already arrived too, yet they confessed it gave them an additional fervour to see so great a prince accommodate himself not only to their living, offices, meditations, and spiritual conferences, but to their very corporal austerities."—Mem. vol. ii. p. 529.

* Macpherson's Original Papers, vol. i. 1696, p. 544, *et seq.* 556, *et seq.*; Tindal, 8vo. vol. iii. p. 217, *et seq.*; Burnet, vol. iv. 1695, p. 239, *et seq.*; Clarke's Memoirs of James, vol. iii. p. 546, *et seq.*

position which promised to be troublesome in both houses, joined in affectionate addresses to William, which were followed up by vigorous measures for the security of his person and government. His majesty was empowered to seize all suspected persons, and banish all papists from London and Westminster; in the event of his death, the parliament was to continue till dissolved by the next heir in succession to the crown; and an association was entered into by the members, binding themselves to aid and support each other in defence of his majesty's most sacred person, the right and lawful king of the realms, in opposition to the late king James and all his adherents; and in the event of his majesty coming to a violent death, they obliged themselves to unite in revenging it upon his enemies, and in supporting and defending the succession of the crown according to the act of the first year of William and Mary. The whole country followed the example of parliament, and voluntary associations of similar import were everywhere brought forward.*

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Associa-
tions for de-
fence of the
king's per-
son.

* James repeatedly disclaims having ever countenanced any attempt against the life of William, although several proposals had been made to him—far be it from me to accuse the unfortunate, but I cannot forbear remarking that he received sir George Barclay when he returned from England, and he has inserted at great length in his memoirs, the reasoning by which Mr. Charnock justified the fact to his own mind, and endeavoured to establish “the lawfulness of every legal subject in such case, to rid the kingdom of so public an enemy, who, in the most treacherous manner imaginable, had, by false and malicious calumnys, debauched his majesty's subjects, and even his own children from him.” In reading this work we frequently meet with passages of the bitterest irony, among which the following deserves no minor place. “Grotius himself,” in his book *de Jure Belli*, says “its lawful for any private subject of a dispossessed prince to kill the usurper of the supreme power. *Jure potest occuli a qualibet privato*; that indeed he requires the legal proprietor's commission, which Mr. Charnock says they had in general terms, and, in fine, brings many arguments to justify the doing of that, which, at the same time, he owns the king's exceeding mild temper and good nature—for which he was so conspicuous above all the princes in the world—would not suffer him to consent to, but says that his majesty's great tenderness in that point was not solely to be regarded when his own and the public good so manifestly required the contrary,”—Memoirs of king James, vol. ii. p. 556. The eulogium on his majesty's mildness and good nature may safely be left with the reader; but I may state that my own conviction, on considering the passage, is decidedly that

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State of the
Scottish
council.

xix. Constantly a prey to party, in loyalty or in rebellion, in religion or in politics, the Scottish nobility acted with their wonted consistency, and divided as to the mode of expressing their affection for William and his government upon this occasion. Sir James Ogilvy, who was appointed secretary in room of Johnston, entered upon his ungracious office in a delicate conjuncture, and had to conciliate three parties in the council;—the friends of the late administration, the supporters of the new, and the third who wished to rule both. The first were sullen and silent; the second, led by the chancellor and justice clerk, were desirous of securing the more strict of the presbyterians; and the last, headed by Argyle, Queensberry, and Melville, were desirous to obtain the ascendancy by promoting all the measures of the court. The poor treasury, too, subjected to a continual drain, was the cause of increasing the quarrel and complaint, and the eagerness of every party to avail themselves of any advantage for obtaining a share of the pickings for themselves and friends, affords but a melancholy picture of the patriotism of that age.

Their pro-
ceedings on
learning the
plot.

xx. When the discovery of his new plot reached Scotland, Argyle proposed to enact a bond of security from all suspected persons, highlanders and lowlanders, and to place under surveillance all noblemen whose birth entitled them to a seat in parliament, but who did not qualify nor attend; gentlemen chosen members and who declined to serve; all who had been in France, served the enemy, and had returned home, but obtained no remission; all who flung up their commissions at the revolution, and since refused to qualify or to act. The western whigs, ever foremost when religion was endangered, instantly came forward and proposed a bond of association in terms similar to the covenant, and undertook, upon its being declared lawful, to bring forty thousand men into the field: both the measures were objected to, as by law no association could be formed without the king's consent, although for support of the crown; but the

James did not disapprove of the construction put upon his commission, and that if sir G. Barclay had succeeded, he would have met with no very harsh reproof from his sovereign.

chancellor was averse to Argyle's proposition, and durst not own how strongly he was inclined to favour the others, who had imprudently proposed to reassume the blue ribbon of the covenant. At length, after protracted discussion, an association, almost in the same terms as that of the English parliament, was adopted by the privy council, published by proclamation, and approved by the estates.*

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1696.

xxi. Concurring favourable circumstances rendered the association of the Scots, which their disputes delayed till the danger was past, a matter of very little moment; but the exhausted state of the treasury, and the want of a new supply of cash and recruits, occasioned a meeting of parliament in September. A severe famine had occurred, and mismanagement had occasioned a great falling short in the supplies—the troops were in arrears—the country was unprovided with arms—and the few garrisons unfurnished with provisions. The earl of Tullibardine enforced the necessity of repairing these deficiencies, expatiated upon the preservation of the king, and assured them of his affection for their religious establishment, but avoided the topic of trade or foreign settlements. Sir Patrick Hume, created lord Polwarth, who succeeded the commissioner, went over the same ground, and trode equally lightly upon the subjects of discontent; and the jacobites, disconcerted by exposure and defeat, made no appearance or opposition. The levy, eighteen months cess upon the land-tax, and an additional excise, were readily granted, and an act passed for the association to be subscribed by all persons in public trust; for the further security of the kingdom, it was also enacted “that when it should please God to afflict the nation by the death of the king, no commission, civil or military, or any court whatsoever, should cease or become void for six months after his present majesty's decease, unless stopped or recalled by the next immediate successor to whom the imperial crown of the kingdom should descend, and that the parliament should not be dissolved, but by virtue of that present act be empowered and required to convene, sit, and act notwithstanding of the said death, and

Parliament.

Supply
granted.Act for se-
curing the
kingdom.* Carstairs's Papers, p. 282, *et seq.*

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Favours
heaped on
Tullibar-
dine,

cause divi-
sion among
the minis-
ters.

African
company.

English
withdraw
from it.

William's
interfer-
ence ruins
its interest
abroad.

that during the time of six months and no longer, unless sooner adjourned by the person who shall be next heir to the crown." Immediately upon the prorogation, Tullibardine hastened to London, and William, to express his satisfaction with the manner in which he had managed the session, gratified him with the gift of three titles for his friends, and several more substantial favours for his nearer relatives; which, however, instead of cementing, split the supporters of his administration, who envied a profusion in which they did not share. The secretary was displeased with the commissioner, the commissioner was dissatisfied with the lord advocate, and a scene of petty intrigue ensued through the medium of Carstairs, in which each endeavoured to supplant other in the estimation of the king; and it is a humiliating reflection, that on the issue of such squabbling the fate or the happiness of nations so frequently depends.

XXII. As the African company was disagreeable to his majesty, all that sought for royal favour kept the subject as much as possible from being brought under his notice, or when it unavoidably was, were eager to represent themselves as totally unconnected with the scheme, and, by refusing their countenance, left the whole management open to the jacobites; who, by the untoward nature of the past events, and those that immediately followed, seeing their political prospects blighted in almost every other direction, eagerly sought to found new projects upon it. The outcry which had been raised in England, and the proceedings of the parliament, had so terrified the subscribers there, that numbers relinquished, at a loss, the shares they held; and in consequence, a deputation from the company proceeded to Holland and Hamburgh, to procure among the foreign merchants shareholders in the room of those who had withdrawn. But the same unrelenting malignity pursued them—the spirit of commercial competition can allow of no rival—and William, influenced by his Dutch as well as his English advisers, ordered sir Paul Rycaut, his resident at Hamburgh, to interfere, and present a threatening memorial to the senate, in which he disclaimed the company; and the subscription, already amounting to nearly two hundred

thousand pounds, was rendered inefficient. The company presented memorials in vain, and the irritation which so flagrant a dereliction of duty in their sovereign was calculated to produce in a poor but proud nation, was allowed to operate while he was engaged in settling the general affairs of Europe.

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XXIII. Since William's accession, England had been constantly engaged in war, and almost every available fund was mortgaged to meet an accumulating debt. France was exhausted by exertion, and needed repose; the allies had their confidence shaken by the defection of the duke of Savoy; and the illness of the king of Spain threatened a dissolution to that monarchy. In this state, Louis made proposals for peace, and consented to acknowledge William's title to the thrones which he filled, the chief object that interested Scotland in the war; and the treaty of Ryswick followed, which gave confirmation and stability to the revolution.*

1697.

Peace with
France—
William ac-
knowledg-
ed by Louis.

* William has been accused of being careless about the security or permanence of the work which his whole energies had been directed to establish. Macpherson has asserted, upon the authority of James's Memoirs, "that William without hesitation agreed to a proposal that the prince of Wales [afterwards known as the pretender] should succeed to the crown of England after his death, and even solemnly engaged to procure the repeal of the act of settlement, and to declare by another the prince of Wales his successor to the throne."—Hist. vol. ii. chap. 3. Dalrymple has added a condition "that the young son of king James should be educated a protestant in England." In the Memoirs of James, published by Clarke, so often referred to, the passage runs thus: "There was an article privately stipulated, which, had not the king too hastily rejected, might have rendered his posterity easy and his people happy a short time after. His most christian majesty had under hand prevailed with the prince of Orange to consent that the prince of Wales should succeed to the throne of England after his death. That mercenary prince, it seems, had no great regard to the pretended ends of his coming, nor to the acts of parliament which excluded the prince of Wales and all of that persuasion from the succession. He had, under the notion of preserving the church of England, usurped the kingdom, so now—that the work was done—those pangs of conscience were vanished, he was very easy on that head, and ready to leave that church to providence for the future, not caring under whose government it fell afterwards, so he was but secure of the throne for his life. For this reason, he showed no great averseness to the prince of Wales having the preference to those who were named by the pretended act of settlement. How he would have brought this matter about in a parliament does not appear, because it never came to a trial." This passage, which flatly contradicts sir John, does not, I think, bear out Mr. Macpherson. Besides, it is completely

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XXI.1697.
The Bass.Its history
since the
revolution.

xxiv. It is scarcely an object of importance to notice the reduction of the establishment upon the Bass, at the return of peace; but as it was the last place that held out for James in Scotland, and as there is something interesting in the fall of this Scottish Bastile, where so many victims of religious and political tyranny had been immured, my readers will not, I am persuaded, be displeased with an account of its history since the revolution—when it ceased to be a state prison—till the time when it returned in undisturbed possession to its ancient tenantry, the Solan geese. Charles Maitland, who had been deputy-governor under the late king, with Crauford younger of Ardmillan, and a few others, concerted the plan for retaking it from the new government, in 1689, and the surprisal was effected in a very adroit manner. Two lieutenants, Middleton and Halyburton, and two ensigns, Roy and Dunbar, who had been taken prisoners at Cromdale, and sent thither, were the persons who carried it into execution. When the boat with coals for the use of the place arrived, the small garrison were generally all, except one or two, employed unloading her, at a crane, without the walls of the fort. Having gained La Fosse the serjeant, Swan the gunner, and a common soldier, upon the 15th of

overturned by a memorial sent by James to the pope during the negotiations, and published by Macpherson himself. This paper [the memorial] proceeds on the supposition that James's friends might wish to make some such stipulations in favour of the child, but that they had not obtained William's consent, and if they had, the project would be absurd, if not impracticable. He says, "if he" [his Britannic majesty] "consented that after the death of the prince of Orange his royal highness the prince of Wales his son reigned in his lifetime, that would be a formal renunciation, and the prince of Orange could only promise a thing which he was not able to perform; because the parliament, which confirmed the royal authority on him, settled the reversion of the crown on the princess Anne of Denmark. But supposing further that the prince of Orange could and would oblige the English to revoke that settlement, it would be always on condition of bringing over the prince of Wales into England without their being able to give any security for his conscience or his person; and it is firmly believed that his holiness will never give his advice or consent to a measure which may have such fatal consequences." *Orig. Papers*, vol. i. pp. 552, 553. Those who wish to see the subject discussed at length, and the character of William satisfactorily cleared from the imputation of folly, as well as insincerity, which such a charge implies, will find a very candid view of the question in Dr. Somerville's *History of the political Transactions of Parties*, from the Restoration of King Charles II. to the Death of King William, pp. 442-458.

June, the governor being absent, they seized the opportunity of the boat's arrival, and shutting the gates, forced the soldiers engaged in receiving the cargo, to leave the rock and return to the shore. Next night they were joined by Crauford, his servant, and two Irish sailors, who stole a long-boat which lay on the coast near Dirleton, and threw themselves into the fort. A garrison was placed the following day at Castleton, on the land opposite, to watch their motions and prevent their receiving provisions, and every night two boats, with twelve men each and an officer, cruized around to intercept any communication with the rebels. It was, however, found impossible to prevent supplies without a frigate, and the navy of Scotland could not at that time spare one for the service; two large boats of thirty tons were sent, but their wretched tackling could not stand a rough sea, and when the nights grew long the blockade was abandoned.

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xxv. As an assault was impracticable, an attempt was made to cut off their boats, of which they had two, one a small Norway skiff, which was nightly drawn up by the crane, the other, a boat capable of carrying twenty men, lay on the flat rock without the gate; this last a small party carried off at midnight; but the loss was soon supplied by Crauford and Middleton, who having got ashore unperceived near Tantallan, returned with another barge, eight more companions, and a supply of provisions. This vessel they also lost; but an indemnity being offered, they secured a serjeant and drummer that brought it, and kept the boat; and when a message was sent to that quarter of the island where there was no cannon, to demand them back, the boat they said they had use for and could not part with, but they might take the men by coming round to the south side.

Besieged.

xxvi. The garrison, now increased to sixteen men, was sufficiently provided with provisions and ammunition, and, during the winter months, continued to obtain fresh supplies by their successful depredations; they pillaged coals from the isle of May and from boats crossing the Frith, they robbed sloops going from Dunbar to Leith, and even seized a boat in the harbour of Dundee. In the spring of 1692, the Admiralty sent orders to captain Anthony Roope, commander of the ship Sheerness, lying in Leith Roads, and captain Orton,

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Capitulates
—the forti-
fications
razed.The peace
ruinous to
the mercan-
tile projects
of the
Scots.Treaty for
the parti-
tion of
Spain.

of the London Merchant, to attack the fort, and do what mischief they could, by breaking the crane, dismounting their cannon, and ruining their houses; but the attempt was fruitless, and five hundred balls shot at them were collected and added to their military stores. It could not be bombarded by land, and the cannon from the ships could not be directed with effect from its elevation. While their friends in Scotland and in France contrived to get necessaries smuggled in, foreign vessels who did not know of the hostilities, unsuspectingly coming within range of their batteries, were forced to lye to and furnish them with provisions and stores. At length, the Lion, captain Burd, accompanied by a lugger of six guns, and a large boat from Kirkcaldy, was appointed to cruise off the Bass, who, having captured a privateer from Dunkirk, laden for the use of the garrison, and by his activity in cutting off their supplies and intercepting them in their plundering excursions, reduced them nearly to starvation, they capitulated upon honourable terms, in April 1694; and, after the peace, the fortifications were razed and the buildings demolished.*

xxvii. This peace, which gave a few years repose to the other nations of Europe, was ruinous to the projects of the Scots, as, in addition to the enmity of the English and Dutch, the opposition of France and Spain united against them, while the peculiar situation of William rendered the friendship of these powers an object of greater importance in his estimation than the prosperity of Scotland; which, from the union of the crowns till the incorporating union, was uniformly considered a secondary interest in the empire. The Dauphin of France was the lineal heir of the Spanish monarchy, but his right had been formally resigned. When the death of the Spanish monarch, however, appeared drawing near, Louis seemed willing to allow a German prince, the next heir, to succeed, but proposed that he should only receive a curtailed inheritance; and William, whose ruling passion was a desire to circumscribe the power of France, acceded to a project for dividing the Spanish dominions,

* Scottish Acts, vol. x. and App. Wodrow, vol. ii. 645. Life of Blackader by Crichton, App. pp. 382—386.

and giving her neighbour a slice, in order to prevent Louis reviving his natural claim to the whole, which proximity of situation gave him great capability of enforcing. In prosecution of this scheme for preserving a balance in Europe, secrecy was necessary, at least till the death of the king of Spain gave the contracting parties liberty to act; and therefore the king of England was obliged to preserve the friendship of France, and do nothing which might awake the suspicion of Spain. To have encouraged the Darien company would have been to destroy both objects; and the king of Scotland, as a consequence of assuming the arbitratorship of Europe, found himself placed in an attitude of hostility to his subjects, and as ally to a monarch it had been the purpose of his life to oppose.

xxviii. His constitutional terror of France, and affection for land forces, together with a natural desire to reward companions in arms personally attached to his service, induced William, after the treaty of Ryswick was concluded, almost to entreat the English to allow a few regiments to remain upon the peace establishment; but their parliament dreaded even the name of a standing army, and refused to suffer any thing except the mere skeleton to exist. The Scots were more tractable; for although exhausted by three successive years of severe scarcity, by a large war expenditure, and chagrined with the treatment their company had experienced, retaining still towards William that grateful affection which a sense of the deliverance he had achieved for them first produced, they were not unwilling to indulge his military predilections.

xxix. Polwart, now elevated to the earldom of Marchmont, one of the most popular and respected noblemen of the country, was sent down to hold the parliament, obtain the supplies necessary for the forces, and allay the uneasy feelings the conduct of sir Paul Rycout at Hamburgh had occasioned. He was received by a numerous concourse of the nobility and gentry, made a splendid entry into the ancient capital, and on the 19th of July, opened the session. The king in his letter expressed himself sensible of the cheerful assistance and support he had received from the Scottish nation during the war, repeated his regret that circumstances

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English re-
fuse to keep
a standing
army.Scots more
tractable.

Parliament.

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The king's
letter.

still prevented him from holding a session of their parliament in person, and informed them, that from the attitude of his enemies abroad, and the aspect of the disaffected at home, he judged it absolutely necessary that the forces upon the present establishment should be continued, and relied upon them for providing suitable supplies. As usual, the commissioner and president of the parliament, in set speeches, enlarged upon the topics of the royal letter, and the committees for preparing the business were chosen of such as were most agreeable to the government.

They vote
the army
establish-
ment to be
continued.

xxx. Had the opposition got any footing in the committees, the Darien company would have had the precedence in discussion, but they being defeated in this, the estates proceeded to consider the supplies. Tullibardine objected to the grant, on account of the poverty of the country, and the example of the English. The others pressed the uncertainty of the peace, the intrigues of the jacobites, and the necessity of securing the advantages they had gained; in private the number of commissions their friends enjoyed, were urged with no inferior success upon a majority of their leaders.* The vote passed almost unanimously for the continuance of the troops, and for a cess for their maintenance for two years.

xxxI. The affront offered to the Scottish nation by the in-

* Notwithstanding the importance the burrows gained by the revolution, yet from the construction of the Scottish parliament, the nobility in general decided the fate of the questions that came before them. Carstairs's State Papers contain some very amusing accounts of the manner in which this session, one of the easiest since the revolution, was managed; and the negotiations with the leading men evince clearly that the estates, whenever the English monarch became settled, and possessed of the influence and funds requisite, would have relapsed into as ready a subservience to his will as ever. The constant doctrine of the earl of Argyle is to allow no nobleman or his friends to retain place or pension if they oppose any measure of the government of the day, which was followed; and when the earl of Tullibardine lost his regiment, he became a patriot it is true, but his followers deserted, and he stood alone; and Boyle of Kelburn, [afterwards earl of Glasgow] in a letter to Mr. Carstairs, when noticing the effect which withdrawing decidedly all royal favour from the opposition had had, expresses himself with great naiveté, "I hope that which I have confidently asserted to the earl of Portland, is now evident, that it was the king alone that supported that party, and now all honest men have reason to thank God that the king's business goes on so cheerfully, so smoothly, and so free of the least heat and animosity." Carst. Papers, p 408.

terference of the English envoy, being the most popular topic of annoyance, a strong remonstrance from the African company, signed by lord Basil Hamilton, was laid before the house upon this subject, and it required no little manœuvring on the part of the ministry to prevent some very disagreeable measure being carried.* The marquis of Tweeddale, supported by Tullibardine, Whitelaw, and sir John Houston, expostulated upon the deep interest the nation had in the prosperity of the African company from the immense sums that had been advanced to support it; that now their vessels had sailed with a large colony and a valuable cargo, and that therefore it was the bounden duty of parliament to interfere to assert their privileges, which had been so grievously violated, and afford them that protection without which they must be still exposed to the insults and intrigues of their enemies, and would, if unsupported by them, infallibly meet their ruin. The secretary, Seafield, in reply, saw no necessity for urging the question at that time, and as the memorial to the senate of Hamburgh was the only objectionable point, he believed he could satisfy the house that his majesty had done every thing in his power with regard to it. When application was made to himself and lord Tullibardine by the company, who told them they intended to address the lords of the privy council, he informed them that his majesty being then abroad, if they would address a petition to him and his colleagues, they would transmit it, which they did, and he and lord Tullibardine strenuously exerted themselves in their favour. And his majesty, in a gracious letter, promised that he would give orders to his resident at

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Proceedings respecting the African company.

Explanation of William's interference abroad,

* This opposition was not confined alone to the discontented politicians, but was particularly distressing to the government, as composed of men, a majority of whom appear to have had the welfare of their country at heart. "Nothing does straiten us," says one of them, "in all this matter, but that the most honest and well inclined to the king's government are both concerned in the company, and do not desire to oppose any thing that is proposed for it; and the whole ministers of the realm are praying for the success of that company, and many people have their friends and relations that have gone volunteers in the ships. God knows what a trouble this matter is to me, and what anxiety is upon my spirit to get fairly out of it, which I am hopeful I shall. We do treat and caress the members, and have our friends at work doing all we can with them." Seafield's letter to Carstairs, pp. 414—419.

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Not satis-
factory.Address to
him on the
subject.

Hamburgh to make no further opposition in his name, which letter they had read to the company, and received their thanks for the communication. It was true his majesty had delayed giving these orders till he returned to this country to consult with his servants; but upon a second application he had now given his instructions, and he had so informed the company, since when he had never heard from them, and had no doubt they were perfectly contented. The opposition were by no means satisfied with this explanation, but urged that an address should be sent to the king, requesting that he would give it under his hand that he would protect the company in all their privileges, and that there should be a new act ratifying these. The debate was long and warm. At length it was carried to refer the whole to a committee, by whom the following modified address was prepared. "We, your majesty's most loyal and faithful subjects, the noblemen, barons, and burgesses convened in parliament, do humbly represent to your majesty, that having considered a representation made to us by the council general of the company trading to Africa and the Indies, making mention of several obstructions they have met with in the prosecution of their trade, particularly by a memorial presented to the senate of Hamburgh by your majesty's resident in that city, tending to lessen the credit of the rights and privileges granted to the said company by an act of this present parliament:—We do, therefore, in all humble duty, lay before your majesty the whole nation's concern in this matter, and we do most earnestly entreat, and assuredly expect, that your majesty will, in your royal wisdom, take such measures as will effectually vindicate the undoubted rights and privileges of the said company, and support the credit and interest thereof. And, as we are in duty bound to return your majesty our most hearty thanks for the gracious assurances your majesty has been pleased to give us of all due encouragement for promoting the trade of this kingdom, so we are hereby encouraged at present humbly to recommend to more especial marks of your royal favour the concerns of the said company, as that branch of our trade in which we, and the nation we represent, have a more peculiar interest." This address, which passed with difficulty, when all was joyous ex-

pectation, was afterwards severely scrutinized, when the gloomy predictions of the jacobites were fulfilled, and the Scottish nation found that their king had lent himself to destroy what they considered their dearest commercial interest, and than which no trading company ever projected had higher claims on a sovereign's patronage.*

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xxxii. The same week on which the parliament met, the Indian expedition sailed from Leith roads. Their fleet consisted of the Caledonia, St. Andrew, and Unicorn, company's ships, and the Dolphin and Endeavour, tenders laden with provisions, military stores, and merchandise. They had on board twelve hundred men, of whom three hundred were gentlemen. After a short delay at Madeira, the squadron proceeded for their ultimate destination—the gulf of Darien—where they arrived the latter end of October, and landed November third, at Acta, a fine harbour between Porto Bello and Carthagena, four miles from the golden island. Having taken possession of the unappropriated country with the consent of all the neighbouring natives, they named it New Caledonia, founded the capital New Edinburgh, and proceeded to erect a castle, Fort St. Andrew. With the native chiefs, whom they found living in an independent and absolute freedom, they entered into immediate friendly intercourse, and at the same time endeavoured to establish amicable relations with the Spanish authorities at Panama and Carthagena; while the proclamation of their council, 28th December, announced to the world the principles upon which their future intercourse was to be founded. “We do hereby publish and declare,” say they, “that all manner of persons, of what nation or people soever, are, and shall from thenceforward, be equally free and alike capable of all properties, privileges, protections, immunities, and rights of government granted unto us: and the merchants and merchants' ships of all nations may freely come to and trade with us, without being liable in their persons, goods, or effects, to any manner of capture, confiscation, seizure, forfeiture, attachment, arrest, restraint, or prohibition, for or by reason of

Expedition
sails for Da-
rien.

Their arri-
val.

Declara-
tion.

* Acts of the Scottish Parl. vol. x. and App. Carstairs, *ut supra*.

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any embargo, breach of the peace, letters of mark or reprisals, declaration of war with any foreign prince, potentate, or state, or upon any other account or pretence whatsoever. And we do hereby not only grant, concede, and declare a general and equal freedom of government and trade to all those natives who shall hereafter be of or concerned with us, but also a full and free liberty of conscience in matters of religion, so as the same be not understood to allow, connive at, or indulge the blaspheming of God's holy name, or any of his divine attributes, or of the unhallowing or prophaning the Sabbath day. And, finally, as the best and surest means to render any government successful, durable, and happy, it shall [by the help of Almighty God] be ever our constant and chiefest care that all our further constitutions, laws, and ordinances, be consonant and agreeable to the Holy Scriptures, right reason, and the examples of the wisest and justest nations, that from the righteousness thereof we may reasonably hope for and expect the blessings of prosperity and increase."

Improper
selection of
the settlers.

xxxiii. An infant colony, composed as this was, would not only have required an able and intelligent, but a vigorous and decisive government; it contained too many young men of birth, unfit to command and too proud to obey, while the lower ranks of the adventurers were not selected with care; there were numbers no doubt of sober, industrious, enterprising individuals, but there were many uninstructed and dissatisfied highlanders—whose chief reason for leaving their country was hatred to the revolution—and many restless, idle, and profligate disbanded soldiers, who procured themselves to be enrolled among the settlers; but what perhaps more than any thing else must have tended to break up the society—among the whole there was not one woman.*

Their go-
vernment.

xxxiv. Instead, however, of having a military government, or some one sufficiently strong, the power was lodged in a council of seven, who were instructed to call a parliament by the following article of their constitution: "That after their landing and settlement, they [the council] shall class

* Earl of Seafield's letter to Mr. Carstairs. State papers, p. 391.

and divide the whole freemen inhabitants of the said colony into districts, each district to contain at least fifty and not exceeding sixty freemen inhabitants, who shall elect yearly any one freeman inhabitant, whom they shall think fit to represent them in a parliament or council general of the said colony, which parliament shall be called or adjourned by the said council as they see cause, and being so constitute, may, with consent of the said council, make and enact such rules, ordinances, and constitutions, and impose such taxes as they shall think fit and needful for the good establishment, improvement, and support of the said colony."

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xxxv. The parliament was accordingly summoned; and, as might have been anticipated, the measure, so far from being beneficial, was ruinous to the peace and prosperity of the colony. One of the councillors complained to the secretary at home—"we found the inconvenience of calling a parliament, and of telling the inhabitants that they were freemen so soon; they had not the true notion of liberty; the thoughts of it made them insolent and ruined command." The proceedings of this parliament, formed upon the purest model of universal suffrage, are curious, and they afford additional proof, if proof were wanting, that theoretical legislation, however pure the intention, is almost ever unsuited to practical application; excepting the moral law, which is in its nature unchangeable, every other statute in the code of inspiration itself, arose out of or was adapted to the circumstances of the peculiar people who were favoured with a theocracy. The code of this colony, which would soon have been found burdensome or inefficient, I have subjoined in a note,* but it is somewhat strange that they should have re-

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A parliament called.

Rules enacted not likely to be efficient.

* *RULES and ORDINANCES by the Parliament of New Caledonia, for the good government of the Colony.*

The Council and Deputies assembled in Parliament, pursuant to the trust reposed, and the powers and immunities granted, by his Majesty of Great Britain, our Soverayn Lord, communicated and transmitted unto them by the Indian and African Company of Scotland, have, for the good order and government of this Colony, after mature deliberation, agreed and concluded upon the following Rules and Ordinances, as appearing most reasonable, equal and suitable, to be from this time forward binding and obliging; and for that effect, that an ordinary Judicatur, or Court of Justice, be appointed, to consist of such and such number of persons as the Council shall think convenient; the which shall

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tained that most exceptionable of all statutes of the old country—leasing-making; and while the abasing of women, although enemies, is rendered capital, that there should have been no provision made to prevent the necessity or

have power to choose their President, and to name and appoint clerks, servants, and all other officers needful, and to proceed upon, judge, and determin all causes, crimes, and punishments, by and according to the following Rules and Ordinances, which wee do hereby appoint and ordain to have the full force and effect of lawes, within this Colony and its dependences, by land and sea :—

1. In the first place, it is hereby provided and declared, that the precepts, instructions, examples, commands, and prohibitions exprest and contain'd in the Holy Scriptures, as of right they ought, shall not only be binding and obliging, and have the full force and effect of lawes, within this Colony, but are, were, and of right ought to be, the standard, rule, and measure to all the further and other constitutions, rules, and ordinances thereof.

2. He who shall blaspheme or prophane the name of Almighty God, or any of his Divine Attributes, or use any curse or imprecation, after publick acknowledgement, shall suffer three days imprisonment, and confinement to bread, water, and hard labour, for the first offence, and for the second shall suffer the said punishment, and for every other offence shall be punished at the discretion of the Justiciary Court.

3. Whosoever shall behave himselve disrespectfully towards the Council, or any of the Councillours, or towards his own or any other officer of this Colony, or shall speak words tending to their or any of their hurt or dishonour, or shall know of such behaviour, or words spoken, and shall not reveal the same with all convenient speed, shall be punished according to the nature of their offence, and quality and circumstances thereof, in the judgment of the Justiciary Court.

4. No man shall, upon pain of death, hold correspondence, give advice, or keep intelligence with any rebell or enemy, as also he who shall know of any such intelligence, and shall not, with all convenient speed, discover the same, and the party or parties therein concerned, to the Council, or some one of the Councillours, or to his superior officer, shall likewayes be lyable to the same punishment.

5. He who shall entice or persuade another, or others, to any rebellious act against the Council and Government of this Colony, shall incur the pain of death; and whosoever shall know of such offence, and shall not discover the same to the Council, or to some one of the Councillours, or to his superior officer, shall incur the same punishment.

6. No man shall presume to contrive, endeavour, or cause any mutiny or sedition within this Colony, upon pain of death, or such other punishment as the Justiciary Court shall think fit.

7. Whosoever shall disobey his superior Officer, or resist him in the execution of his office, or shall oppose or resist any of the Magistrates or Officers of this Colony, in the execution of their duty and trust, shall suffer the pains of death, or such other punishment as the Justiciary Court shall think fit.

8. He who shall violat any protection, or safe conduct granted by the Council, and knowing the same, shall suffer death, or such other punishment as the Justiciary Court shall think just

the crime of forcible abduction, which such a conformation of society was likely to produce. BOOK
XXI.

xxxvi. Other causes, however, more strong than even these, produced insubordination. It had been calculated, that their 1699.

9. He who shall use any provoking or upbraiding words or gestures, or shall give the ly, or any manner of reproachful, scandalous, or injurious names, to another of equal quality and degree with himselfe, whether present or absent, or shall strike, or shall threaten to strike such a one with his hand, stick, sword in the scabbard, whip, stone, or any thing of like nature, shall, besides giving honourable satisfaction to the party injured upon his knees, be therefore condemned to hard labour at the publick works for the space of six moneths; from which labour he shall not desist, withdraw, nor desert, upon pain of death, or such other punishment as the Justiciary Court shall think meet: and if such affronts or injuries shall be given or offered to a superiour, the party offending shall be lyable to double the said punishment at least; and if to an inferiour, the same shall be proportioned sutable to the nature of the case, and the circumstances of the parties concerned.

10. No man shall presume to fight a duel with, or send a challenge to another; nor shall any one presume to accept of such a challenge or appointment to fight, upon pain of the severest death and highest infamy: And all seconds in duels and appointments to fight, and such as shall know thereof, and shall not reveal the same, and the persons concerned, with all convenient speed, shall be equally lyable to the same punishment.

11. He who shall wilfully hurt or maim any other, shall, sutable to the loss and value of his time, and the grieffe and pain thereby occasioned, as also the expense of curing, and disability of body thereby happening, be lyable to make full satisfaction; and if the offender have not to pay, he shall become a servant, and shall so continow, until full reparation be made to the party injured; and, generally, the like full reparation shall not only be made for all manner of hurts, violences, wrongs, and damages done, or caused or offered to be done, but the offender may be further punished, if the nature of the case shall require the same.

12. It shall be death for any man presumptuously and wilfully to assault another by such means and weapons as shall put him in evident hazard or danger of his life.

13. All murder, or wilful killing of any person, shall be punished with death.

14. He who shall force a woman to abuse her, whether she belong to an enemy or not, shall suffer death for it.

15. It shall be death to steal, or forcibly to cary or convoy away from this colony or its dependences, any man, woman, or child.

16. House-breaking, and all sorts of robing, or forcible thifts, shall be punished with loss of life, or of liberty, at the will of the Justiciary Court.

17. A thieffe shall be oblided to restore fourfold of the species or value of the thing stollen and damage done, the one-halfe to the party injured, and the other to be equally divided between the government of this colony and the discoverer of the theft. And if the thiefe have not to pay, he shall be condemned to hard service and labour at the publick or other works, untill full

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Causes of
insubordi-
nation.

arrival should happen in the beginning of winter, at the most temperate and healthful season, when the sky was serene, and the air cool and refreshing, the soil covered with a rich and luxuriant verdure, and the tropical fruits ripe or

restitution of the value of the thing stolen and damage done be made, and shall be afterwards obliged to serve the government of this colony, and the discoverer of the theft, for the space of a whole year.

18. All robing of Indian plantations or houses, stealing or taking of provisions, or other things belonging to them, without their free consent, shall be punished as theft.

19. Cutting or breaking down, or otherways spoiling of plantan-walks, orange, leamon, or lime trees, or other trees or fruits, of use and for support of life, and all other wilful waste and spoil, shall be punished as theft.

20. Whosoever shall presume to sell, imbesle, or willfully spoile, break, or convoy away any arms, ammunition, axes, hatchets, spades, shovels, pick-axes, or other necessars or stores of warr, or working tools, belonging to the colony, whether committed to their trust or otherwise, shall be punished as thieves.

21. All willfull and apparent breach of trust, and designed fraud and cheating, shall be punished as theft.

22. All giving and taking of bribes, in order to delay, deny, or pervert justice, shall be punished as theft.

23. Things that are found may not be concealed, but shall be restored to the owner, if known, with all convenient speed; and where the owner is not known, publick intimation thereof shall be given, otherwise the finder shall become lyable to suffer as a thiefe.

24. Benefits received, and good services done, shall always be generously and thankfully compensated, whether a prior agreement or bargain hath been made or not; and if it shall happen to be otherwise, and the benefactor be obliged justly to complain of the ingratitude, the ungrateful shall, in such case, be obliged to give threefold satisfaction at least.

25. Whosoever shall absent himselfe, go away from, or desert the service of this colony, or that of any particular person to whom they are bound, besides due chastisement of whipping, shall be obliged to serve a week for every day of such their absence or desertion.

26. No man shall be confined or detained prisoner for above the space of three moneths, without being brought to a lawful trial.

27. All lands, goods, debts, and other effects whatsoever and wheresoever, [except the needful and proper working tools of a mechanick, the proper books of a student or a man of reading, and the proper and absolutely necessar wearing cloaths of any person,] shall, in the most ready, easy, and absolute manner, be subject to the just and equal satisfaction of debts; but the person of a free man shall not in any sort be lyable to arreasts, imprisonment, or other restraints whatsoever, for or by reason of debt, unless there shall be fraud, or the design thereof, or willful or apparent breach of trust, missapplication or concealment first proved upon him.

28. In all cases, Criminal and Capital, no judgement or determination shall pass against any man in the Justiciary Court, without the consent and con-

1699;

Conduct of
the English
govern-
ment.

approaching maturity. But these advantages were inadequate to compensate for the deprivations to which they were exposed, from the inveterate malevolence of commercial rivalry with which the English companies continued to pursue them; in consequence of this, private instructions were sent by the king to the governors of Jamaica, Barbadoes, and the other plantations of England in the West Indies and North America, who issued proclamations denouncing the colonists of Darien as unauthorized intruders into the Spanish territory; prohibited all intercourse between the dependencies of the English crown and the Scottish company's settlers or servants; forbade the furnishing them with provisions or necessaries of any kind, for money, and inhumanly refused even the common rights of hospitality at a time when the unfeeling avaricious frauds of those who had superintended the equipment of the expedition,

currence of a Jury, consisting of fifteen fit persons, to be nominated and chosen by the said Court, in the ordinary and usual manner, out of such a number as they shall think fit.

29. Upon trials of persons or causes, the Justiciary Court shall proceed to examine the witnesses upon oath, and after having heard the prisoner, the party accused or the party concerned, whether for or against the witnesses. The Judges shall afterwards give their opinions one by one, beginning at the youngest in years, and proceeding to the eldest, and shall conclude by majority of votes; but if the votes be equal, the President shall have a casting voice; and when judgement or sentence is to be given, the President shall pronounce it.

30. No man shall presume to sit in court, much less to act as a Judge, or be of the Jury in the case, and during the time that any cause wherein his party, or any way interested or concerned, shall be under examination or trial.

31. The Justiciary Court shall keep a clerk or clerks, who shall be sworn to make true and faithful records of all the proceedings of that court.

32. No man shall presume to use any braving words, signs, or gestures, in any place of Council or Judicature, whilst the Council or Court is sitting, upon pain of such punishment as shall be inflicted by the Court.

33. All things relating to trade and navigation, and not comprehended in or understood by these ordinances, shall be determined by the most known and practised laws and customs of merchants, and of the sea.

34. *And lastly*, Every Judge or Member of the Justiciary Court, and every one of the Jury shall take a solemn oath, duly to administer justice according to these rules, ordinances, and probation taken, to the best of their understanding.

Fort St. Andrew, April 24, 1699.

All the said Rules and Ordinances were read and approved of, Article by Article, and afterwards past altogether.

COLLIN CAMPBELL, J. P. F.

BOOK
XXI.

1699.

Distressing
state of the
colonists.Send a re-
presenta-
tion home.Defeat the
Spaniards.

had reduced them to a short allowance of unwholesome provisions.

xxxvii. When the wet season set in, the colonists were unprepared for the change—the gentlemen who had embarked in the expedition were unaccustomed to labour—the peasants of a cold region sunk beneath the rays of a burning sun—the ground was uncleared—and scarcely a sufficient number of huts were erected for protection. The diseases incident to Europeans in a tropical climate began to make ravages among them, and not only symptoms of mutiny made their appearance, but a conspiracy to seize a vessel and desert was discovered, in which some of the councillors themselves, who do not seem to have been at all fitted for their station, were implicated. A new council, therefore, was formed, and the discontents checked; but affairs were gone too far to admit of effectual cure, especially as misfortune attended their best concerted measures. The directors had sent provisions and dispatches by a brig from Clyde early in the year [24th February] but she unfortunately never reached her destination, and the want of intelligence from home was added to the other privations of the colonists; they therefore dispatched one of the council to Scotland with a pressing request to the directors to send them out provisions, ammunition, and men; and an address to his majesty, complaining of the usage they had experienced, and imploring his protection. Before, however, any return could be received, the settlement was abandoned. The Spaniards who had threatened an attack from Panama were met and defeated by captain James Montgomery, on the 5th of February, within the territories of captain Pedro, an Indian chief, who having been detained several years in slavery, had escaped, and bore the most deadly hatred to his former masters; he was married to a daughter of Ambrosia, another chief, who like himself preferred the friendship of the Scots; but the good-will and kindness of the natives, which the settlers maintained to the last, was unavailing. The Dolphin, captain Pinkerton, one of their vessels, on a voyage to Barbadoes, had been stranded on the coast of Carthagená, where the cargo was condemned, and the crew made prisoners and sent to Spain to be tried as pi-

rates. At this last blow, the spirit of the settlers failed; they yielded to the unpromising aspect of their affairs, and in an hour of despondency the council allowed themselves to adopt the very worst decision; for just at the moment when relief was about to be afforded, in spite of the arguments and entreaties of Patterson, they quitted the settlement [23d June] within eight months from the date of their landing. On the twelfth of May the Olive Branch and another vessel containing three hundred recruits, with a quantity of provisions and military stores, had sailed from Leith, but on their arrival they found the settlement broken up, and repaired to Jamaica.

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1699.

Evacuate
the place.

xxxviii. A third expedition went from the Clyde in November, consisting of the Rising Sun, Hope, Duke Hamilton, and Hope of Borrowstowness, carrying with them 1300 men. When the fleet was upon the eve of sailing, intelligence reached Scotland of the evacuation of the colony, and the managers instantly dispatched an express to stop them till Mackay, one of the former councillors, could reach the Isle of Bute, where they lay, with additional instructions, founded on his local knowledge and adapted to their present circumstances; but although a letter from three of the directors, dated the 22d, informed them that Mackay was to be in Glasgow that night, because it was not a formal order from the whole court, the commanders, or council of the expedition, with a punctilious obstinacy which betrayed but little consideration, and augured equally ill for the success of the shipment, unmoored from Rothsay bay next morning. This council consisted of Major Lindsay, captain Gibson, William Veitch, and James Byres, who were invested with full powers to act according to circumstances during the voyage; but their commission was to cease and determine when they reached New Caledonia, and came within the jurisdiction of the council of the colony. On their arrival, they were surprised to find the settlement desolate, the fortifications razed, the huts burned, and, except the ruins of the fort, no vestige of the possession remaining. They who had expected to find habitations ready to receive them, or at least the means of constructing them for themselves disappointed, became almost

Another
expedition
sent out.Their dis-
appoint-
ment on
their arri-
val.

BOOK
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1699.

Joined by
captain
Drum-
mond.His pro-
posal to at-
tack the
Spaniards,

mutinous, and insisted upon returning with the vessels that had brought them. With some difficulty Veitch prevailed upon the council to land the men, but all their operations were paralysed or thwarted by Mr. James Byres, an opinionative self-confident member, who seems to have shared and encouraged the unmanly dejection it was his duty as a leader to have checked.

xxxix. Captain Thomas Drummond, an intrepid enterprising fellow, one of the first council who had gone to New York at their dispersion, on hearing of this new equipment, procured a small sloop laden with necessaries and working tools, and had been waiting eight days in the bay for their arrival. Him Veitch proposed to associate in their government, but his plans were too bold; and although still in office, Byres succeeded by a quibble upon their last instructions to get him excluded. As on the former occasion, so on this, ill management or fraud had diminished the quantity of the provisions; and though probably the accusation "that instead of necessaries there were packed large quantities of light brown paper and little blue bonnets" be a burlesque exaggeration, there can be no doubt but that the settlers were again wretchedly deficient. The most prompt decision, therefore, as well as unremitting exertions were requisite, and what in other circumstances might have been rash, would perhaps have been prudent in theirs. The Spaniards had attacked the original settlers, and were preparing to resume offensive operations. Drummond proposed to anticipate them; and when, upon an inspection of the provisions, it was found that there was not as much as would support the whole for three months, and the council determined to ship off all mouths above five hundred, for Jamaica, he strongly advised them rather to attempt Porto-Bello, where they would have found the stores they wanted and prevented the attack upon themselves; but the factious head-strong Byres, who was fitted only for objecting to the plans of others without being able to bring forward any more feasible of his own, sneeringly observed, "that albeit a man who knew not where the town he minded to take lay, might possibly take it, he might as possibly miss his aim; and, therefore, it would be as convenient to build huts to

shelter themselves from the weather before they began to attack towns." This cowardly reasoning prevailed, and the opportunity for employing the mutinous spirits to advantage, in a measure which would have inspired the colonists with confidence in themselves, and commanded the respect of their enemies, was given up, and Drummond put under a temporary arrest. Inveterate animosity was the consequence ; and, in the midst of contention among their officers, the men began to rebuild their city and castle.

BOOK
XXI.1699.
Overruled.

XL. Drummond had offered, upon a letter of credit, to procure supplies from New York, this also was insultingly rejected ; and notwithstanding the governor of Montserrat, on the voyage out, would not so much as allow the vessels to water, an attempt at opening a communication by fly-boats with the other West India islands was preferred, whence very scanty supplies could only be got smuggled into the place. In spite, however, of all difficulties, the settlement was beginning to rise from its ruins, and had the council possessed vigour or unanimity, there was still a chance of success ;* but the spiritless faction retarded the operations of the unwilling settlers, and after it was resolved that a part should be removed to Jamaica, contrived to render the whole listless by leaving it undetermined who were to go or who were to stay. At this juncture Drummond again offered his services, and requested, that instead of sending away some of the best soldiers in the colony 150 might be intrusted to him, with whom he would effect a lodgement in the interior, where they would maintain themselves, and be ready to come to the assistance of the colony when wanted ; but a pitiful jealousy of the talents of Drummond appears constantly to have haunted Byres, which he succeeded in imparting to a majority of the council ; and the soundest advices were re-

1700.

Their
brightening
prospects
blasted.Drum-
mond's
counsels re-
jected.

* " We have been as bussie as possible since our arryvall in getting hutts built, whereof we have now 72, for planters, &c. each 12 foot long, and 10 foot broad ; and 15 huts for officers, 30 foot long, and 16 foot broad ; also we have built two store houses, the one 60 foot long, and 20 foot broad, the other 25 foot long, and 20 foot broad ; we have likewise put a roof upon and otherwise repaired the guard-house, which serves as a church ; and now we are at work with our batteries, and in a few days we hope they shall be tolerably repaired."—Letter to the Honourable the Directors from the Council of New Caledonia, 3d February, 1700.

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1700.

Spaniards
attack them
by land.

Defeated.

The colony
capitulates.

jected apparently for no other reason than because they originated with him, who was unsupported, except by captain William Veitch, till captain Campbell of Fanab, who had been his fellow-officer in the earl of Argyle's regiment, and served with him in Flanders, arrived.

XLII. But the most precious opportunities had been lost.

A Spanish fleet was now collected, and an armament by sea and land was prepared to attack them. Intelligence of this reached the colony in the beginning of February, and Mr. Byres immediately set off for Jamaica, to see what could be done for their relief. Meanwhile the Spanish land forces, accompanied by Indians, advanced from Panama and Santa Maria through the woods. Captain Campbell, at the head of 200 men, met and defeated them; but the victory was fruitless. The fleet, consisting of eleven ships, under the command of Don Juan Pimienta, governor of Carthagena, blockaded the harbour, and landed troops, who invested the fort. Thus shut up, and without hope of relief, the final wreck of the colony capitulated upon honourable terms, on the eighteenth of March, one thousand seven hundred. The colonists and their goods were shipped for Jamaica, but the Hope was lost on the rocks of Colorades, on the southern coast of Cuba, and the Rising Sun on the Bar of Carolina: with this last vessel the whole passengers and crew, sixteen excepted, perished. Of the survivors of this unfortunate experiment many remained in the English settlements—some died in Spanish prisons, but few returned to their native land to mourn over their disappointed hopes.

XLIII. The failure of a plan which commenced with such fair prospects of success must chiefly be attributed to the settlers themselves, who carried from their country that disputatious spirit which occasioned the defeat of all their schemes at home.* Their unruly and licentious conduct, and their want of subordination, the absence of men qua-

* "Scolding continued so much among them all, that many meetings began and ended with that divertisement; and at one of them Mr. Patterson is said to have heard them so ridiculous, that he asked if he should send for a surgeon to draw blood of them: there was still a great noise among them about Jacobite, Williamite, and French factions," &c.—Journal printed in Byres's Letter, p. 66,

lified to rule, and the too lax frame of their government, —these led to the first ruinous desertion of the settlement, because the council themselves, divided and unexperienced, had no power to enforce that persevering systematic endurance of labour and privation which every settler in a new country must necessarily undergo :—next to the want of regular and frequent communication with Europe, whence the mistakes or frauds of their first outfit might have been corrected ; and finally to the treatment they experienced from the governors of the English plantations, for which they were not prepared. Whether, had the scheme succeeded, it would ultimately have been productive to Scotland of all the benefits expected, is what cannot now be ascertained ; as it was however, one of the accelerating causes of the Union, perhaps, on the whole, its failure has been beneficial.*

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XXI.

1700.

Causes of
the failure
of the colony.

* Caledonia Papers, MS.—Pamphlets on Darien.—Carstairs's State Papers. Acts of the Scottish Parliament, vol. x. xi. Laing, Dalrymple, &c. In my character of Byres I have chiefly followed his own letter ; it is however but justice to say, that he excuses his aversion to Drummond on account of the part the latter had acted in the massacre of Glenco. Byres's Letter, p. 151.

With laudable attention to the religious instruction of the colonists, "Two ministers, Messrs. James and Scot, had been sent out with the first expedition, one of whom died on the passage, and the other soon after his arrival at Darien. The council having written home to the directors, regretting the death of their ministers, and begging that others might be sent to supply their place, the commission of the general assembly, at the particular desire of the court of directors, missioned the well known Mr. Alexander Shields, and three other ministers, who sailed in the last fleet. They were instructed on their arrival, with the advice and concurrence of the government, to set apart a day for solemn thanksgiving, to form themselves into a presbytery, to ordain elders and deacons, and to divide the colony into parishes, that so each minister might have a particular charge. After which it was recommended to them, 'to serve as they should find the colony in case for it, to assemble the whole christian inhabitants, and keep a day together for solemn prayer and fasting, and with the greatest solemnity and seriousness to avouch the Lord to be their God, and dedicate themselves and the lands to the Lord.' They were also particularly instructed to 'labour among the natives for their instruction and conversion, as they should have access.' The circumstances in which they found the colony precluded them from thinking of carrying the most of their instructions into execution. Two of them however preached on land, and one of them on board the *Rising Sun* every Sabbath, but the irreligion and licentiousness which prevailed among the colonists, in addition to the unfavourable aspect of their external affairs, oppressed their spirits and paralysed their exertions. They undertook a journey into the interior in company with lieutenant Turnbull, who had a

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1700.

State of
public feel-
ing.Address of
the general
council to
the king.

XLIII. While the Scots believed that their colony would prosper, and as long as no unpropitious tidings of the expedition reached them, their displeasure kept within moderate bounds; and in reply to the representations of the Spanish ambassador, they answered by proving irrefragably their superior right to an uninhabited tract of country, whose nearest neighbours, the native proprietors of the district, had willingly acquiesced in their occupancy, nor did they doubt, that if it came to be more seriously disputed on the spot, they would be able to urge equally cogent reasons why they should be allowed to retain the possession of what no other nation had ever attempted to possess; but when the proclamations of the West India governors arrived, their irritation increased, and when they were followed by news of the seizure of the *Dolphin*, the imprisonment of her crew, and finally by the desertion of the settlement, the popular indignation burst forth in the most unqualified manner, and the most violent proceedings were threatened. But the impression that the evacuation was merely temporary, and that the reinforcements sent out would speedily enable them to regain their footing—which no one dared to hint might perhaps turn out unfounded—tended to meliorate the public feeling; and the only step taken by the general council of the company was to vote an address to the king respecting Pinkerton and the other prisoners detained at Carthagená—whom, with his companions, they stated to be gentlemen allied to the first families of the kingdom—inhumanly used, contrary to the treaties between the crown of Great Britain and Spain; and expected his majesty would take speedy and effectual measures for redressing their damage and procuring their release.

XLIV. The duke of Hamilton, who had lately obtained the title,* was a known jacobite, and the family influence, unsight knowledge of the Indian language, with the view of becoming acquainted with the natives, and having spent some nights with them in their cabins, brought back the first word to the colony of the approach of the Spaniards." Supplement to the Memoirs of Mr. William Veitch, by Thomas M'Crie, D.D. pp. 236-7. Shields afterwards died in Jamaica; he was the author of the *Hind* let loose.

* The title was in his mother's right, but he obtained it by patent during her life the same as if he had succeeded her.

derstood to follow the will of their chief, being deeply engaged in the Darien scheme, lord Basil was commissioned to present the address. The king was advised not to receive his lordship, assigning as a reason "that he had not waited upon his majesty when formerly at London, had never given any evidence of his loyalty, nor acknowledged his majesty's government;" an answer which the company considered as a refusal to listen to their just complaints; nor was their opinion altered by the tardy promise that the release of the prisoners should be demanded, and that the subjects of Scotland should be allowed the same liberty of trade that others enjoy with the English plantations.

XLV. Embarrassed by the conflicting passions and interests of his subjects, William looked to the English parliament for support in his dispute with the Scottish, to which their addresses had so materially contributed; but the commons were not in a humour to gratify the king, and the opposition alleged that his antipathy to the Scottish colony arose neither from regard to the interests of England nor the treaties with Spain, but from an affection for the Dutch, whose lucrative smuggling trade with the Spaniards the Scottish settlement would have injured or destroyed; and when the peers by a very small majority voted, "that the prosecution of the Darien scheme on the part of their neighbours must end not only in far greater disappointments to themselves, but at the same time prove very inconvenient to the trade and quiet of the kingdom," the lower house refused to concur; while the king's answer to the lords—"that he would always have a very great regard to their opinion"—and his assurances—"that he would never be wanting, by all proper means, to promote the advantage and good of the trade of England"—was interpreted by the Scottish company to mean that he would ever be ready to sacrifice their interests to promote the advantage of the wealthier kingdom. All parties overlooked the wisdom of the advice with which the king concluded: "That, as difficulties would too often arise with respect to the different interests of trade between his two kingdoms, unless some way were found out to unite them more nearly and completely, he therefore re-

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1700.

His ungracious answer.

Unpleasant situation of William with the English,

and the Scots.

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XXI.

1700.

He recom-
mends a
union.

minded them of what he had recommended to both parliaments soon after his accession to the throne—an union between them, than which his majesty was of opinion nothing would more contribute to their mutual security and happiness; and was inclined to hope that after they have lived near one hundred years under the same head, some happy expedient might be found for making them one people, in case a treaty were set on foot for that purpose.”

Ferment in
Scotland.

XLVI. In Scotland every art was used to excite the people; the directors of the African company, among whom were some of the members of government, endeavoured without effect to allay the ferment, and a meeting of the general council was called, where the more violent and vociferous were certain to procure a majority. There was no resisting the general feeling, and even the servants of the crown concurred in the desire for the assembling of parliament, while the commission of the church appointed a day for national humiliation; although the former confidentially expressed their wishes that the meeting could be prorogued till some favourable change should occur; and the latter in the enumeration of the causes for fasting and prayer, gave a catalogue of the sins of the land, which did not meet the wishes of those who thought only on the sins of the government.

National
address to
the king,

XLVII. A national address to the king was widely circulated, and almost universally subscribed. It recounted the hardships of the company at home, and of the colony abroad; reminded his majesty of his promises to favour, protect, and support the general trade of the kingdom, or requested him to assemble the great council of the nation, as nothing could more conduce to the support of the credit and interest of a company, in whose misfortunes or prosperity the whole nation were concerned, than the meeting of the representatives of the people. He had engaged to allow that assembly to meet whenever the good of the nation required it, and never was it more urgently requested than now. The marquis of Tweeddale presented this address; but William refused to accelerate the meeting, and exasperated the Scots by this new indifference to their universally expressed desires, and inattention to their general welfare. The interval was em-

refused.

ployed by the oppositionists of every description, and in almost every county and burgh throughout the kingdom petitions were prepared for the approaching session.

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XXI.

1700.

XLVIII. Never, perhaps, did the Scottish parliament meet under more trying circumstances than did the session commencing May 21, and the delicate trust of conducting it was committed to the duke of Queensberry, lord commissioner, assisted by Marchmont president, and Seafield secretary. The king's letter was considered as adding insult to injury; it expressed, it was alleged, an affected pity for the misfortunes of the country, but manifested no sympathy with the sufferers, nor any care about the chief national concern. "We are heartily sorry," were the cautious expressions of the royal communication, "for the misfortunes and losses that the nation has sustained in their trade, and we will effectually concur in any thing that may contribute for promoting and encouraging of trade, that being so indispensably needful for the welfare of the nation. And we do particularly recommend to you the encouraging of manufactures, and the improvement of the native product of the kingdom, which is not only the surest foundation of foreign trade, but will be an effectual way for promoting and employing the poor." The duke and the president, in their introductory speeches, recapitulated the obligations which Scotland lay under to their master, who had just crowned his beneficial labours by procuring peace to Europe, and promised in general to promote every measure of utility. "He has instructed me," said his grace, "to concur in any thing that may promote and encourage trade in this nation, and I do so particularly know his majesty's good mind in this matter, that I can give you assurance of obtaining any thing that shall be reasonably proposed." The parliament replied by a motion, "that the affairs of Caledonia, as a national concern, may be first taken into consideration;" several other overtures being likewise made, it was insisted that the affair of Caledonia be preferred, next to that of religion; and to prevent the usual influence of the crown, it was resolved, "that all motions and overtures should be first made in plain parliament, and that no motion or overture come in from any of

Parliament.

The king's
letter.

Proceed-
ings.

The Dar-
ien busi-
ness.

BOOK
XXI.

1700.

Petitions
regarding
the state of
the coun-
try,from East
Lothian,

the committees but upon matters first remitted to them by the parliament."

XLIX. Thus the ministers deprived of the power of directing the proceedings, bent to the storm, and allowed a number of petitions to be read, and entered on the record, which depicted in the most dark and gloomy colours the state of the country, deplored the miseries which peace had brought, and called upon the estates to assert the Indian and African company's right to the colony of Caledonia. To those who are apt to look back to the ages that are gone with envy, and quarrel with our own, I would recommend the following out of the numberless petitions under which the tables of the house groaned upon that occasion: "To his grace, his majestie's high commissioner, and the right honourable the estates of parliament, the humble address and petition of the heritors of the sheriffdom of East Lothian: That whereas, after a long and expensive war, we expected to have enjoyed the blessings of a happily concluded peace, by the re-establishing of our foreign trade, encouraging of home manufactures, employing of the poor in the improvement of our native product, and the lessening of our public burdens; instead thereof, to the unspeakable loss, and almost ruin of the nation, we found our trade abroad sensibly decayed, and our coin carried out by the importation of commodities from places where ours are prohibited, our woollen and other manufactures at home by the same means, and the remissness of magistrates in putting the laws in due execution, receive not that encouragement which the interest of the country requires, whereby our poor are neither maintained nor employed as they otherwise might be; and more especially our company trading to Africa and the Indies, meets with so much opposition from abroad, and gets so little support at home, that after so great a loss of men and expense of treasure, their settlement in Caledonia may now too probably a second time fall under the same unlucky circumstances as at first, if not prevented. And yet, after all the hardships which the nation groans under, numerous forces are still kept on foot while our much wealthier neighbours are disbanding, which occasions now in time of peace, heavy and unnecessary taxes."

I. The petitions from the other districts are in general so similar, and in some cases so literally the same, that it is evident they must have been fabricated in the same manufactory; almost the only exceptions are, that of the heritors of Perthshire, who lament that they “are still exposed to inconveniences peculiar to those who live upon the borders of the highlands, continual murders, robberies, and depredations, which have brought many who might have wrestled with their other difficulties to such a condition that our countries are now become desart, and lye absolutely waste;” and that of the town-council of Haddington, who complain that their “people were necessitate to furnish the saids troop of dragoons at the comissers rate, which wes only five shillings Scots for each horse per night, wheras our burghesses and inhabitants could not furnish ilk dragoon’s horse a night corne and straw under sixteen shillings Scots, whereby our people wanted eleven shillings Scots of value of corne and straw to ilk dragoon’s horse in the night.” After the petitions had been read, it was moved, “that there be a resolve of parliament, that our colony of Caledonia, in Darien, is a legal and rightful settlement in the terms of the act of parliament, and that the parliament will maintain and support the same, and that there be an act brought in the next sederunt accordingly.” The commissioner, who saw from the temper of the meeting, that it would inevitably be carried, complaining of indisposition, first adjourned the house and then prorogued it.

BOOK
XXI.

1700.

Perthshire,

Hadding-
ton.Resolution
respecting
Darien
moved.Parliament
suddenly
prorogued.

LI. Respect for the commissioner, whose personal accomplishments and amiable disposition had procured him the good-will of all parties, prevented any violence in the parliamentary discussions; but when an abrupt termination closed upon the hopes of the opposition, they gave vent to their disappointment in passionate exclamations against what they termed a breach of parliamentary freedom. Before they separated they concurred in a warm remonstrance to the king against the adjournment, as a violation of the constitutional freedom of debate, and an infringement of the claim of right, and prayed that they might be permitted to sit on the day to which they were adjourned, and remain together till the grievances of the nation were considered and redress-

Remon-
strance a-
gainst it.

BOOK
XXI.

1700.

Jacobites
celebrate
the pre-
tender's
birth day.

ed. Lord Ross, who carried the remonstrance to court, experienced but a very ungracious reception, and returned home with an unsatisfactory message, "that his majesty could give no answer to their petition at that time, but they should know his instructions in Scotland." The unwillingness of government to have recourse to harsh measures was construed by the jacobites into weakness, and rewarded by insult; they openly celebrated, by a tavern dinner, the birthday of the prince of Wales, afterwards the pretender—Dr. Pitcairne acting upon the occasion as poet laureate—and inflamed the irritated feelings of the public by the most intemperate harangues, pamphlets, and placards.

Riot in Ed-
inburgh.

LII. A rumour of the defeat of the Spaniards in their attack upon the colony arriving at the same time, an illumination was ordered by some of the secret caballers, which was obeyed with more than usual brilliancy; the main street only was accustomed to be lighted up upon similar occasions, but every wynd, close, and back-lane, were resplendent upon this; and the officers of state who usually in those days resided in courts or closes, trusting to the former practice, had their windows demolished and themselves insulted by the populace, who rose tumultuously and carried on their work of destruction with a vigour and unanimity which bespoke superior directors.* They proceeded to the house of the lord advocate and forced him to grant a warrant for the liberation of two seditious printers confined for libels, but not obtaining ready admission to the prison, they burned the door and set free the prisoners, and to prevent interruption from the commissioner's guard, they seized the keys and secured the ports; the music bells all the while playing, "Wilfu Willie wilt thou be wilfu still." Next day the government took the steps necessary for securing the peace of the town, but they did not possess sufficient strength to bring any of the rioters to condign punishment, nor could they, after the strictest investigation, discover those who incited them. "What will become of the business of the rabble," said the earl of Melville, wofully, in one of his letters, "I know not. It seems a little strange, that in a

* The damage done to the windows on this occasion was estimated at five thousand pounds sterling.

business so public, and where there seemed to be such a multitude concerned, there should like to be so little made out, as if they had all come out of the clouds and were carried up there again !”

BOOK
XXI.

1700.

LIII. The catastrophe was in unison—some four or five of the under agents were apprehended and brought to trial before the justiciary ; but although it was plainly proved that they were present with drawn swords at the forcible release of the prisoners, the court were so intimidated that they dared not find them guilty of any capital crime, and only sentenced one to be scourged and three to be pilloried ; but their friends, the mob, contrived that their appearance should resemble a triumph rather than a punishment, for during the time they were standing upon the tron, which was covered with flowers, they had a concert of flutes playing, and the people about were kissing their hands and huzzaing and pledging them in wine. The magistrates of the city were summoned before the privy council and severely reprimanded for their neglect in suffering such proceedings ; and the hangman, who had made an entire burlesque of his office, was condemned to make a serious apology, and receive himself in earnest, a flagellation for the one he had inflicted in sport : but his brother of Haddington, who was brought to the good town to perform the ceremony, on seeing the formidable and threatening crowd before whom he was to exhibit, seized with a sudden terror, took flight and left the naked dempster, who thus also escaped the lash, in the hand of the bailies, to the infinite amusement of the assembled multitude. The magistrates of the East Lothian capital, however, determined that the unlucky wight who had disgraced their employment by deserting his duty, should give ample satisfaction, borrowed the officer of a neighbouring burgh to vindicate their character on the carcass of the recreant executioner ; and it appears to have so happened that the sins of the Edinburgh rioters were, by this strange and circuitous route, finally visited on the shoulders of the hangman of Haddington.*

Rioters
tried.

Their punishment.

* Earl of Seafield's Letter. Stewart's Account of the Execution. Carstairs's Papers, pp. 611, 618.

BOOK
XXI.1700.
State of
trade in
Scotland.Causes of
its depres-
sion.

LIV. At this time every thing seemed to conspire to depress Scotland, and all was traced to the union of the two crowns, the removal of the prince from the capital of his ancient kingdom, and the influence of the English in his councils. The scarcity of coin occasioned by the immense quantities exported for the purchase of corn during the years of scarcity, was aggravated by the necessity of paying in cash for wines and brandies to the French, who, in consequence of their connexion with England, had prohibited the importation of Scottish salted herrings, salmon, and coals. Their linen was loaded with heavy duties by the English, who encouraged the Irish manufacture, while the fleeces of Scotland—out of complaisance to their woollen cloth trade—were forbidden to be exported, which rendered it necessary to purchase flax from the countries whence they formerly had had it in exchange for wool; and thus not only had the Indian company, but the home trade which they were recommended to cultivate, been sacrificed to the interest of their rivals; for the Dutch had supplanted their fisheries in the French market, and while the English broad cloth supplied the continent, it was generally worn even by the Scottish gentry in preference to their own homely hoddie grey. “Since the union of the crowns” was the general language of the day, “our kings prefer their interest to ours in all matters relating either to church or state. Since the union we have never been governed by our own council but by theirs, and ever since that fatal period our interest has been by turns either sacrificed by our kings to them, or by them to our kings.”* The natural consequences of these complaints was to drive the people to look forward to the most desperate remedies, and some idea may be formed of the general tone of the nation, when they were considered moderate who suggested, that while the crowns were separate none but Scottishmen should be consulted upon Scottish affairs, that the privy council of Scotland should be chosen by the parliament, and all civil and military appointments filled up by the council; and that the ancient

* Carstairs's State Papers, 529, 549–50. Scotland's Grievances relating to Darien, pp. 31–35.

illustrious nobility of the land, the hereditary rank of the country, should not without their own consent be debased by the alloy of a patent additional to the peerage. Remedies for the declining trade of the country were proposed in the same spirit; it was demanded to exclude the English from fishing on the Scottish seas, creeks, and harbours; to prevent the consumption of their woollen manufactures; to prohibit the importation of French wine and brandy, and to pass in parliament a non-intercourse act with all who were adverse to the Scottish settlement.* But when they learned that that settlement had ceased to exist, and that there were no hopes of its ever being re-established, the popular clamour became immeasurable, as the loss sustained was exaggerated beyond all bounds, and nothing but national bankruptcy was predicted.†

BOOK
XXI.

1700.

The remedies proposed.

LV. Three parties united to exasperate the public mind—the jacobites, who from the first had joined the company to overturn the government; another wished to embarrass the ministry merely to oust them and get their places; and a third, the *bona fide* share-holders and their relations, who entered into the scheme as a mercantile speculation, and felt the disappointment natural to adventurers whose enterprise had turned out so unexpectedly ruinous. In this combination of opponents an unhallowed junction had taken place between the jacobites and the presbyterians, and as unnatural an alliance between the strictest of the ministers and such converts as the duke of Hamilton and the earl of Aboyne.‡ Party, like poverty, makes a man acquainted

Strange union of parties.

* Scotland's Grievances.

† The loss was great, but as the money was paid by instalments, which were never all called up, the apparent was much more than the real,—nor have I been able to ascertain what became of the quarter payments in advance, made by the English and foreign subscribers. In a statement laid before the court of exchequer, I find Patterson credited with L.21,100 12s. 4d., which I apprehend must have been part of these proceeds.

‡ Principal Dunlop, Mr. John Dickson, and Thomas Linning, were sent by the synod of Glasgow, to welcome the duke and duchess of Hamilton to Scotland, “which the duke took very well, and immediately discoursed them upon the sad news of our colony’s desertion, that the country never suffered a greater loss, that it was a cause of mourning and fasting, and the church might consider if a day ought not to be set apart for that end;” but although the duke almost till that moment had been both an avowed jacobite and episcopalian,

BOOK
XXI.

1700.

with strange bedfellows; but coalitions formed between such essential antipathies, like the mixtures in some chemical experiments, however calculated to effervesce or to explode if kept in a state of agitation, when properly managed and left to themselves, generally settle in a more distinct and marked separation than before the attempts to assimilate them; this remark has been already exemplified, and we shall find it still more strikingly elucidated as we proceed.

The public
mind in-
flamed.

LVI. During the first ebullition of fury, every topic was urged by the political malecontents which could touch the pride or stimulate the resentment of the nation. They were reminded of their ancient glory, and of their proud independence, when the Scots were the most favoured allies, and could compete for the highest offices of France, when their motto was verified and no insult could be offered them with impunity. Unfortunately, while this ferment continued, a letter came from captain Pinkerton, from a dungeon in Seville, whither he had been carried from Carthagena, and where he and his companions were lying in irons under sentence of death as pirates. A new national address was prepared, of the most inflammatory nature, calling for an immediate meeting of parliament, and some of the more furious jacobites, in the expectation that their prayer would not be granted, suggested the wild idea of assembling the convention at Perth, where they would have the strength of the highlands "to back their resolves."

An address
for a par-
liament.

LVII. The duke of Gloucester, the last of the princess Anne's children, dying, as the adherents of the exiled king thought, so opportunely at this crisis, they directed again their eyes to St. Germain; but Louis was now too intimately connected with William to admit of any intrigues that tended to disturb his projects upon Spain, and James, immersed in the humiliations of a convent, was inclined pa-

so easily are even good men flattered by the great, that straightway "the ministers leave his grace, go and keep presbyteries, and the synods deputies with them, when the duke's proposal is considered, and a letter agreed on, and sent to the moderator of the commission, to call the commission, that they might search into the causes of the desertion, and got a day of fasting and prayer appointed." Ormiston's Letter to Carstairs. State Papers, pp. 499, 500.

tiently to await till the decease of William should call him to reascend the throne. Even some of the presbyterians, at this conjuncture, allowed themselves to deliberate whether a change in the separation of the crown might not be advisable in case of the king's death? but the moderate were willing to allow that question to lye over for the present, provided they could obtain such wholesome laws as would guarantee the frequent meeting of a parliament, correct the undue influence of the crown, prevent the abuse of a standing army, preserve personal liberty, encourage trade, and secure the servants of the Indian company from being liable to be ill treated by any foreign power. All, however, combined in an association to forbear the use of foreign wines, brandies, or silks, to deprive the government of the most productive articles of customs and excise, till some relief were obtained.

BOOK
XXI.

1700.

Views of
both par-
ties.

They unite
in forbear-
ing the use
of foreign
wines, &c.

LVIII. While their opponents were active and indefatigable, the members of government were not less unremitting in their exertions. As far as was possible the most powerful of the nobility were bought up with places, pensions, or promises, which were yet somewhat less frankly given than unblushingly sought, though their descendants would now smile at the prices for which their ancestors consented to serve their country. At one time it was proposed that his majesty in person should attempt to conciliate the factions, and Holyroodhouse was inspected, in order to a coronation, but the expense was found to be inconvenient, and William, who hated the gorgeous pageantry of ceremonial exhibitions, committed the management to Queensberry, lest any accident should have rendered his attempts abortive, and exposed him to the affront of having coqueted his royalty in vain; but he transmitted a conciliatory letter to his privy council, which he directed to be published, wherein he expressed his regret at the session of parliament having terminated without producing those advantages he had hoped it would, and in which his commissioner was so fully instructed to concur. He attributed to the state of Europe his inability to comply with their resolution asserting the right of the African company's colony in America, which otherwise he would most readily have done; and assured them that since affairs had taken so disastrous a turn, he would readily concur with the parlia-

Measures
of the go-
vernment.

The king's
letter to
the privy
council.

BOOK
XXI.

1700.

ment in every thing that could reasonably be expected for aiding and supporting their interests and repairing their losses; and that his good subjects should have just grounds to be sensible of his hearty inclination to advance the wealth and prosperity of his ancient kingdom. He informed them that he had already made effectual interposition for the liberty of captain Pinkerton and his fellow sufferers in Spain, and would assent willingly to such laws as were necessary for preserving the liberty of their persons, encouraging and advancing trade, promoting the administration of justice, and settling the peace and quiet of the kingdom—"demanding nothing in return save what should be necessary to maintain that our ancient kingdom in so happy a settlement against their and our enemies."

The opposition
weakened.

LIX. The great object with the ministry was to divide the opposition, and on one point only was there any strong connecting band between the parties of which it was composed—the resolution respecting Darien; but now that Darien was irretrievably lost, the moderate presbyterians became more inclined to suffer patiently what they could not remedy, than endeavour by desperate measures to plunge the nation and themselves deep in a calamity, of which their inveterate and irreconcilable enemies only would have reaped the advantage. Patterson, the projector of the scheme, who had returned to Scotland to represent the real state of the case, and the causes of its failure, contributed greatly to encourage this disposition; and with the most assiduous disinterestedness, endeavoured to correct the false impressions of the misguided proprietors. Campbell of Fanab too, arriving at the same time, supported his averments, frankly blaming the mismanagement both of the directors and of those of the colony for the misfortune that had taken place.* The support of the barons had been secured by a previous but unintentional arrangement, allowing them to farm the customs;† and the meeting of the estates being farther prorogued to the month of October, the ministers of state took the opportunity to make each a separate tour to satisfy the heritors in

* Carstairs, p. 614.

† Fletcher's first discourse on the affairs of Scotland. Scottish Acts, vol. x.

the country, and prevent a universal adoption of the address. Their success was almost equal to their wishes, and before the house met they were prepared to calculate upon a majority

BOOK
XXI.

1700.

Parliament.

LX. When the parliament at last sat down [Oct. 29th,] the king repeated in his letter the assurances he had formerly given, and the appointment of the committees, all consisting of ministerial majorities, evinced that a material change had taken place in public opinion. Aware of this, the opposition intended to procrastinate, and to endeavour during the delay, to rekindle the slumbering embers of contention, by representing the sole design of government in now assembling the estates, to be merely to obtain supplies, and evade any proposal beneficial to the interest of the country; but the servants of the crown met their manœuvring by a counter-project; they brought forward immediately acts calculated to conciliate the public esteem, and deferred those of a doubtful tendency till the close of the session. Their superiority was first manifest on a contested election for Wigtonshire, in which it was alleged the sheriff had improperly interfered; on a division, whether it should be considered in "plain parliament," as they termed it, or referred to a committee, the Hamilton faction—lord Basil was one of the candidates—was left in a decided minority; and it was always remarked in the Scottish parliament, that the first victory was decisive of the campaign.

Ministers
have a ma-
jority.

LXI. They then proceeded to gratify the presbyterians. It was the subject of serious complaint, that at the treaty of Ryswick, William had neglected the protestant cause, for which he had so strenuously fought; especially as both the king of France and duke of Savoy had renewed their persecutions. In fasts appointed by the church of Scotland, the sufferings of their brethren in France, Piedmont, and the Palatinate—the desolation of whose churches had greatly increased since the peace—formed always a clause in their own catalogue of afflictions, and now in a representation from the commission of the general assembly to the parliament, they were brought forward as the grounds of retaliatory proceedings against the Roman catholics. "Seeing the popish party," they argued, "have for divers years oppressed severals of the reformed churches, and seem almost to extirpate the

Gratify the
presbyte-
rians.

BOOK
XXI.

1700.

Act a-
gainst the
papists.

protestant religion, while, in the mean time, their emissaries are restless in their endeavours for the seduction of the people of this nation, and in divers places have too great and lamentable success; therefore they thought it might be worthy the consideration of his grace, and the high court of parliament to consider what farther might be done to discourage apostacie to popery." Acts were accordingly brought in for securing the protestant religion, and the presbyterian church government, and for preventing the growth of popery. By this last, every jesuit or trafficking priest was ordained to be banished the country under pain of death in case of returning, and informers were entitled to a reward of five hundred merks upon conviction; the children of popish parents were to be taken from them and educated by their nearest protestant relations; and no professed papist was capable of purchasing, inheriting, or disposing of lands, his right devolving on the next protestant heir;—an act which breathes the essence and spirit of the religion it would proscribe, and which has properly been allowed to fall into desuetude.

Act for se-
curing per-
sonal li-
berty.

LXII. Personal liberty was next secured by a statute which had been repeatedly demanded and promised, but was never till this session, embodied in the constitution; "Ane act for preventing wrongeous imprisonments, and against undue delays in trials." Under it, all informers are required to sign their informations, and no person is liable to be imprisoned except upon a warrant, expressing the particular cause for which he is arrested, and of which he must receive a copy. All crimes not inferring a capital punishment are declaredailable; and the prisoner, upon making application to the proper judge, is ordered to be released within twenty-four hours, upon producing sufficient caution for his appearance when called upon, which must be before the expiration of six months. If not aailable offence, his trial comes on within sixty days, failing which, he falls to be liberated without further delay; liable, however, to be incarcerated upon a second indictment, this to be brought to a final issue within forty days; and, if tried and discharged, he is freed from all further prosecution for the same offence. The penalty annexed to wrongous imprisonment are one

hundred pounds for each day a nobleman is so detained, sixty-six pounds thirteen shillings and four pennies for a landed gentleman, thirty-three pounds six shillings and eight pennies for other gentlemen and burgesses, and six pounds thirteen shillings and four pennies for other persons. The difference in the sums marks the reverence of rank at this time prevalent in Scotland; but the punishment inflicted upon the judges, who were declared incapable of public trust for contravening the act, much more justly appreciates the value set upon personal liberty. Coaliers and Salters, by a base exception, were deprived of any benefit from this act; chieftains, landlords, and others in the highlands were beyond it.

BOOK
XXI.

1700.

Exceptions.

LXIII. In compliance with the national prejudice against the English, then at its height, the importation of all woollen manufactured goods, of whatever description, was prohibited under severe penalties, besides the seizure and destruction of the article; and to prevent if possible any smuggling, not only were the ships, or the carriers waggons and horses in which they were brought liable to confiscation, but the tailors who made, or the persons who wore apparel consisting of foreign woollen stuffs were subjected to fine. At the same time, to encourage home manufacture, the exportation of all wool in twist or yarn was forbid. French wines and brandies were also strictly prohibited, until the restrictions upon Scottish commerce in that kingdom were recalled, and their vessels restored to their usual privileges in French ports.

1701.

Acts for the
encourage-
ment of
trade.

LXIV. When these popular acts had been discussed, the important business of Darien was introduced; and several resolutions adopted to vindicate the independence of the country, or rather to offer an empty compliment to their feelings, which the king could now do without involving himself with his more favoured subjects or allies. It was unanimously resolved; "that the votes and proceedings of the parliament of England, and their address presented to his majesty in December 1695, in relation to an act of the Scottish parliament establishing their Indian and African company, and the address of the house of lords presented to his majesty in February 1700, are undue intermeddling in the affairs of the kingdom, and an invasion upon the sove-

Discussion
on the Da-
rien expe-
dition.

BOOK
XXI.

1701.

Interfer-
ence of the
king and
English
parliament
censured.Resolu-
tion a-
gainst the
king's ad-
visers,

withdrawn.

Another
moved by
Hamilton.

reignity and independencie of our king and parliament; that the memorial presented in his majesty's name as king of Great Britain to the senate of Hamburgh, April 7th, 1697, by sir Paul Rycaut, then resident in that city, and Mr. Cresset, his majesty's envoy extraordinary at the court of Lunenburg, was most unwarrantable, containing manifest falsehoods, and contrary to the law of nations; injurious to his majesty, an open encroachment upon the sovereignty and independencies of the crown and kingdom, the occasion of great losses and disappointments to the said company, and of the most dangerous consequences to the trade of the country: that the proclamations emitted in the English plantations in 1699 against the Scottish Indian and African company and colony of Caledonia, were injurious and prejudicial to the rights and liberties of the said company;"—but when it was proposed to add "that the execution of these proclamations against the adventurers sent out by the said company, was inhuman, barbarous, and contrary to the law of nations, and a great occasion of the loss and ruine of the said colony"—the addition was negatived. A "resolve" proposing, "that whoever had advised his majesty's answer to the address of the parliament of England, against the company, in the year 1695, or the Hamburgh memorial, or the West India proclamations, are enemies to this kingdom, and have done what in them lay to create jealousies and animosities betwixt the two kingdoms; and, if subjects of Scotland, are traitors to their king and country, and if discovered, ought to be prosecute accordingly," was, after considerable debate, withdrawn—and a final resolution, "That the Indian and African company's colony of Caledonia in Darien, in the continent of America, was a legal and rightful settlement, precisely in terms of the act of parliament and letters patent, establishing the company; and that the parliament will assist and support the said company in the lawful prosecution of their right thereof, as holding of the crown of this kingdom," moved by the duke of Hamilton, gave rise to a very tumultuous debate; when the last clause asserting that parliament would assist and support the company in the prosecution of their right, was neutralized by a very harmless truism, "That the company, in

making and prosecuting the said settlement, acted warrantably by virtue of the said act and patent."

BOOK
XXI.

1701.

LXV. Thwarted in carrying this last point, when an address to his majesty, in consonance with the resolutions, was brought in, earl Marischal proposed an act declaratory of the rights of the company to the colony of Caledonia, and pledging parliament to support it; and insisted that such an act was necessary for the safety of all who had been, or might be concerned in that business, for vindicating the honour of the nation, and satisfying the earnest desires of the people, expressed in the numerous addresses presented to the house. On the other hand, it was replied, that the original act, with the resolutions now passed, were a parliamentary approval of the conduct of the company, and a sufficient security to all concerned; that a declaratory act was useless, as it could have no retrospect, and would not be regarded by Spain, unless it were followed up; and if it were, it would infallibly disturb the peace of Christendom, and involve the country, already sufficiently impoverished, in a war single-handed, with the whole power of the Spanish monarchy, and all connected with her. Duke Hamilton answered, that from the altered state of Europe, he had no doubt but even Holland and England both, would now be far from disapproving of such an act as was contended for, nor did he think it would be very disagreeable to his majesty himself; and when the question was put for an address or the act, with the most solemn asseverations he declared he believed the act necessary, and insisted upon marking his dissent from an address. His speech was received with obstreperous applause by a numerous auditory, who, during the darkness, had procured admission,—for the debate was protracted till it was dark;—but the design was obvious, to involve the king in hostilities with Spain; and the house, after order was restored, by a majority of twenty-four, voted that an address should be presented to his majesty for removing and preventing all encroachments upon the independency and sovereignty of the crown and kingdom, and for assuring the company of his majesty's royal protection, and obtaining the proper remedies for reparation of their losses. This subject having been under discussion from the 10th, was closed on the 20th of

Act declaratory of the company's rights, proposed.

Objections.

Duke Hamilton's speech.

Address substituted.

BOOK
XXI.

1701.

Debate
closed.

January, by an act continuing all the temporary privileges and liberties granted to the Indian and African company for the space of nine years after the period allowed by the former act and patent. An attempt was afterwards made to denounce Mr. Cresset, and Vernon, one of the English secretaries of state, as incendiaries, but the vehemence of the house had evaporated during the prolonged debates; and after short "reasoning thereupon," a vote was proposed, "proceed to further consideration of this resolve yea or nay," and carried in the negative.

Supply
granted.

LXVI. What had been most urgent upon the government was introduced last. The supplies for support of the forces expired with the year, and the opponents of government, disappointed at this not being brought forward first—as they had always asserted had it not been to obtain money no parliament would have been assembled—had endeavoured, by protracting the debates, to prevent a vote being obtained before the legal term for keeping them up had gone by; but a resolution of the parliament allowed them to remain till the other business was got through, and the government prudently agreeing to a reduction, three thousand were provided for by a six months cess—the others, who were permitted to continue imbodyed, being supported entirely by the king—which was only feebly resisted by a decreasing though a very noisy minority, who, true to their purpose to the last, continued to annoy and interrupt the proceedings which they could neither control nor direct.

Parliament
prorogued.

LXVII. A number of acts still remained to be disposed of; but the disposition of the Hamilton party to debate and divide the house upon every trifle, rendered it necessary for the commissioner to close the session, by calling for the act *salvo jure cujuslibet*, in the midst of an angry and vexatious squabbling about some petty matters of little consequence. "I have had patience," said his grace somewhat peevishly, "these four or five hours, to see if you would despatch business; but it is now late, and since you have not so much as come to a determination what business to begin with, I must now call for the act;" and he closed the last meeting of the reign with the following farewell address, which pictures the nature of the session, "My lords and gentlemen—I confess

I promised in his majesty's name that you should have time for other business before you, and I appeal to the house if the time that has been spent about stating of questions, and preference of business, might not, if well husbanded, have answered for this end. I must put you in mind that you have now sat above three months; the first-two months were entirely bestowed upon laws, before any thing was offered in relation to the forces and supply, and I am sure both you and I expected that all the business then before you might have been ended in less than a month, which has been allowed you since. I have given you all the time I can, and if you have not managed it well enough, it is not my fault. You must all be convinced his majesty's affairs cannot allow us to sit longer—several good and important laws are already passed, and such as are wanting of what was designed may be overtaken another time.” He then touched the act with the sceptre, and the estates adjourned.

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XXI.

1701.

The commissioner's
speech.

LXVIII. Among the private acts of this session, was one for proving the tenor of some writs in favour of sir David Home of Crossrig, one of the senators of justice, which directed the attention of the parliament to the propriety of procuring some place of safety for the records, although it required the repetition of a calamity almost as dreadful as that which originated the act to enforce an object of such national importance. The fire which occasioned sir David's loss was the most extensive that had occurred in the capital from the time when the houses had been built of substantial materials, and till within these few years, for terrific rapidity of destruction, remained unequalled. It broke out on the evening of the 3d of February, 1700, in a lodging immediately below that in which lord Crossrig dwelt, while part of his family were in bed, and his lordship was preparing to follow. The alarm was so sudden, that he was forced to retire in his night gown, and his children half-naked;* “and albeit his papers were lying on the floor, or hung about the wall of his closet in pocks,” the apartments were so quickly filled

A dreadful
fire in Edin.

* Mr. Duncan Forbes, afterwards lord president, giving his brother an account of this terrible visitation, thus notices sir David's escape, “Many rueful spectacles, such as Corserig naked, with a child under his oxters, happing for his life.”

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XXI.

1701.

with dense suffocating smoke, that it was impossible to preserve any thing but one small cabinet, and it was carried out of his house from one lodging to another as the fire pursued, till it was placed in safety in the house of William Hamilton of Wishaw, at the head of the West Bow. The whole range of lofty buildings in the south side of the Parliament Square, from ten to fourteen stories high, were speedily enveloped in flames, whose frayor and vehemency was increased by an exceeding high wind, that carried the flakes over the whole city; which, during the darkness of a tempestuous night, appeared overwhelmed with a shower of fire, while not a drop of water was found in the cisterns. Between three and four hundred families were reckoned to be burned out; and as they were chiefly of the higher ranks, it was computed that more rent had been destroyed than the whole city of Glasgow at that period would have amounted to. The assembly, which was sitting at the time, appointed a special dyet for prayer, on account of the sad and astonishing conflagration, and added it as one of the causes of the general fast kept shortly after the disaster at Darien.

Distilleries
first intro-
duced in
Scotland.

LXIX. Two applications were made to the estates, in consequence of the prohibition of foreign brandies, for privileges to be granted to home distilleries, the first established in the kingdom—one for distilling a spirit from sugar, malt, and other liquors by a company in Glasgow; the other from malt alone, by Alexander Monteith, chirurgion in Edinburgh, who craved that the art discovered by him, to draw a spirit from malt equal in goodness to true French brandy, might be declared a manufactory, with the same privileges and liberties as are granted to others. Previously to this the staple beverage of the lowlands was ale, and from the discussions about the new importation of French brandy, we learn that in the highlands, among the lower classes, even that was almost unknown—little did our Scottish legislators think, when granting immunities to encourage the consumpt of a native product, and promote the industry and welfare of the country, they were providing for the permanent establishment of the severest tax that was ever imposed on the morals and real prosperity of any land.

LXX. That alteration which had taken place in the affairs

of Europe, to which William had alluded in his message to the Scottish parliament was occasioned by the death of the king of Spain, who, during his last illness, had been persuaded to make a new will that overthrew all the plans and treaties of partition with which the kings of England and France had been amusing one another. The agreement by which the monarchy was to be dismembered had transpired, and the pride both of the Spanish king and nobles was severely wounded; but their indignation was chiefly excited against the presumption of England and the United States, and the influence of the pope and the priests was directed against the house of Austria; no other heir remained except one of the blood royal of France, but to prevent the two crowns from being united on one head, and give to Louis the semblance of an excuse for violating his previous engagements, the duke of Anjou, the Dauphin's brother, was nominated successor to the thrones of Spain and the Indies.

BOOK
XXI.

1701.

Death of
the king of
Spain.

Duke of
Anjou suc-
ceeds to the
throne.

LXXI. A mere form was not calculated to deceive a prince of such discernment as William, who immediately saw that however nominally divided, the kingdoms of France and Spain were made one, or to use an expression of their king's, "the Pyrennees were removed;" but he did not possess the means of opposing the aggrandizement of the Bourbons, and was obliged to wait the course of events. These were now hastening to a crisis; the French had placed garrisons in all the cities of the Spanish Netherlands, sent great bodies of troops and trains of artillery to their towns on the Dutch frontiers, and were endeavouring to detach, by treaties of neutrality, the inferior members of the late confederacy. The United States viewed these preliminaries with the most intense anxiety, and presented a memorial, which William communicated to the English parliament, who sympathized with his natural antipathy to France, and gave him full authority to form the alliances he wished. The death of the duke of Gloucester had left the protestant succession incomplete; this, next to humbling France, or rather as an integral part of his plan, lay very near the heart of William, and he had the satisfaction of seeing the settlement of the crown of England extended to the house of Hanover; although a similar proposition durst not be ventured upon in the Scottish parlia-

French gar-
rison the
Spanish
Nether-
lands.

English
parliament
determines
to support
William.

Crown set-
tled on
house of
Hanover.

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XXI.

1701.

ment, where the draught of an act for the security of the kingdom, in case of the king's death, was withdrawn even when it did not include the nomination of a successor.

LXXII. But while William was endeavouring to rouse all Europe again to a sense of their danger, from the ambition of Louis, and the threatened preponderance of France, the death of James, and the acknowledgment of his son, added the motive of personal insult to those of public safety, and animated him with fresh vigour to new schemes against a prince whose rivalry and aversion he perceived to be unabated and implacable. Ever since the peace of Ryswick, the fugitive king, having lost all hope and all desire for an earthly throne, resigned himself completely to the barbarous austerities of a heartless religion, and in his devotional exercises yielded to a dark and gloomy superstition, which pictured the deity as delighting in the self-inflicted torture of his creatures, till nature itself failed in the contest.* Early in March, while attending the service in the chapel, during the performance of an anthem taken from the Lamentations, he was peculiarly struck with the supplication, "Remember, O Lord, what is come upon us; consider and behold our reproach: our inheritance is turned to strangers, our houses to aliens," and fainted away. A week after he was seized with a paralytic stroke, from which he partially recovered, but in the month of September his fainting fits returned, and his emaciated body wore gradually away.

James
struck with
palsy.

LXXIII. When Louis heard of the danger of James, he called his great council to assist him in this delicate conjuncture; the majority were against acknowledging his son

* The quality of James's devotion will be best perceived from a characteristic trait in his memoirs. "His fervour to satisfy God's justice for his past disorders would not let him be content with the suffering he underwent in this world, he was desirous to carry it into the next, and asked his confessor whether since his age and character did not permit him to do such penance for his sins as was agreeable to the horror and detestation he had of them, if he ought not to be content to suffer the pains of purgatorie the longer, and for that end not beg the prayers of the church for his speedier delivery from theme? but his confessor and the abbot of La Trappe (whom he consulted likewise on that point,) though they were astonished and edified by his zeal, told him that one could not desire to see God too soon, and that it was more perfect to wish to enjoy him than to suffer for him."—Mem. vol. ii. p. 589.

as king of Britain, lest it should involve them in an immediate war, to which they were greatly averse; but the Dauphin, who spoke last, declared "it would betray a cowardice unworthy of the crown of France to abandon a prince of their own blood, especially one that was so dear to them as the son of king James. That for his part he was resolved not only to hazard his life, but all that was dear to him, for his restoration." "I am of Monseigneur's opinion," said the king; and all the princes of the blood concurring, his majesty determined to inform James of his resolution in person, while he was yet able to be gratified by the intelligence.

LXXIV. With that politeness for which he was remarkable, he first acquainted the queen and the prince at St. Germain, assuring the latter that if it pleased God to call the king his father, he would be a father to him. He then went to the room where James lay, and approaching his bedside asked how he did? at first James, lethargic through his disorder, did not perceive him, but when informed that it was his most christian majesty, he raised himself to thank him for all his kindness, particularly his attention during his sickness. "That sir, is but a small matter," replied the French king, "I have something to acquaint you with of greater importance." Upon which the servants began to retire; "let nobody withdraw," continued he, and went on, "I am come, sir, to acquaint you, that whenever it shall please God to call your majesty out of this world, I will take your family into my protection, and will treat your son, the prince of Wales, in the same manner I have treated you, and acknowledge him, as he then will be, king of England." This declaration was received by all present with emotions of joy and grief, which the servants, foreign and English, expressed by tears, gestures, and exclamations, some throwing themselves at the French king's feet, and others sobbing aloud, expressed their admiration at such unexpected generosity, while James, in vain, struggled to be heard. Louis himself could not refrain weeping; and at his departure, as he stepped into his coach, called the officer of the guard, and directed him to follow and attend the prince of Wales as soon as the king was dead, and to show him the same respect and honours he had done his father when alive.

BOOK
XXI.

1701.

Decision of
the French
council in
this con-
juncture.

Louis visits
James.

Promises to
acknow-
ledge his
son.

BOOK
XXI.1701.
James dies.

—On the following day, September 16th, James died, and his son was visited in form by Louis, who addressed him by the title of majesty, and treated him with every mark of honour due to royalty.

LXXV. By some strange perversion of language, sincerity has been ascribed to James as one distinguishing feature of his character; and because he lived and died an immoveable bigot, he has been complimented with honesty as another. To neither of the two epithets, as generally understood, can he, as king of Scotland, be allowed to have the smallest claim. His whole political life there was one tissue of fraud and falsehood, and even when he spoke truth, it was with an intention to deceive. His government and his reign formed a proper climax for the progressive tyranny of the Stuarts, whose worse qualities, as they took deepest root in his composition, flourished most vigorously, and brought forth their fruit in the highest perfection. His religion was more absurd—his despotism more unmixed—his cruelty more stern, and his duplicity more imposing than that of his predecessors—his vices were graver than those of his brother, as his mistresses were uglier, but not more virtuous.

His character.

English indignant at Louis' conduct.

LXXVI. When the news of the acknowledgment of a prince as their king, whose legitimacy was doubted, reached England, the whole country felt indignant; and the idea of having a popish successor dictated to them by France, appeared so degrading, that both whig and tory united in loud and clamorous outcry against the presumptuous arrogance of Louis. William, who had long waited for a revolution in their sentiments so favourable to his views, dissolved the parliament, from which he had experienced so much opposition; and during the excitation produced by the interference of France, the elections were almost every where carried in favour of the friends of the revolution, who, with all their faults, in the prospect of danger were those to whom the country turned, and who merited and enjoyed their confidence.

LXXVII. What nothing else could effect, the conduct of Louis promised to produce—cordial unanimity between William and his English subjects. The jacobites in Scotland, indeed, continued to harp upon the same note, and consider-

able discontent remained respecting the failure of Darien ; but the concessions made in the last parliament had greatly soothed the people, and the moderation of the ministers, who would countenance none of the outrageous proceedings against the government, and who, on every occasion, reminded their flocks of the advantages of the revolution, preserved the general tone of public feeling in their favour during the remainder of William's reign.

BOOK
XXI.

1701.

Party feeling in Scotland subsides.

LXXVIII. Since the mutual concessions in the assembly 1694, that convocation had intermeddled little in politics, their attention was more laudably employed in framing regulations for their internal order, planting churches in the north, and attending to the instruction of youth. They recommended to ministers to lecture regularly upon a considerable portion of scripture, according to the Westminster directory for public worship, and to be particularly careful in their catechetical labours, that, in conjunction with their elders, they see that the worship of God be daily performed in families, and that none be ordained elders who do not make conscience of this necessary duty ; that in order to restrain the abounding profaneness, they preach plainly and faithfully against it, and that judicatories impartially exercise discipline against offenders, and that none grossly ignorant or scandalous be admitted to the Lord's table. Presbyteries were enjoined to take the utmost care in licensing preachers, that they be men of abilities, learning, and piety, acquainted with the scriptures in the original languages, if not also in the Syriac and Chaldaic, and conversant with the principal controversies respecting doctrine, worship, discipline, and government ; and to watch over those employed as schoolmasters, that they possessed competent talents, were persons of irreproachable moral character, and that they inculcated the principles of the protestant religion.

General assembly.

LXXIX. As the society people and a number of conscientious presbyterians still scrupled to join the established church, on account of her erastian connexion with the government, her too ready compliances with the "antichristian interference of the magistrate," and the reception of men into communion who had given no evidence of their sincere conversion to God, or repentance for their former sinful con-

Cameroonians, &c.

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XXI.
1701.
Assembly's
admonition.

nexion with episcopacy, the commission in 1698 published a seasonable admonition, "asserting the sole headship of Christ over his church, her intrinsic power derived from him, and the divine right of presbyterian church government; and endeavoured to show that the church, although not perfect, was in such a state of purity, as that she might safely be joined with, and could not without sin and danger be deserted." Whatever effect this had on the bulk of the community, it had little on the societies, who, at their general meeting this year, appointed the paper to be answered, continued in a state of separation from the national communion, and set at defiance what they styled the acts of the "pretended assemblies."* Mr. Hepburn of Orr, however, who had occasioned considerable trouble and uneasiness by his disorderly proceedings, was, on his humble and earnest desire, and professed deference and respect to the judicatories of the church, and the peace and order thereof, restored to his charge from which he had been suspended.

Disregarded.

Heresy of
Antonia
Bourignon.

LXXX. The chief trouble of the church during this period, arose from a wild species of fanaticism, which Dr. Garden of Aberdeen had adopted from the writings of a female enthusiast, Antonia Bourignon, and vindicated in an apology: the leading tenets of this heresy were, denying the permission of sin and eternal punishment, divine prescience and election; asserting that there belonged to Christ a twofold human nature, one produced of Adam before the woman was formed, the other born of the Virgin Mary; that the work of generation is carried on in heaven, and that there are no true christians in the present world, with a number of other equally extravagant positions. When the doctor was called to account for his publication, he defended his conduct, and insisted that the singular sentiments of the lady which he wished to rescue from the misrepresentations of others, contradicted no articles of the Christian religion. "Yea, he had the confidence to carry it so high before the commission, as to say, he counted it his honour to be singled out for owning the principles of Mademoiselle Bourignon,

* Minutes of the General Meetings, MS. belonging to the reformed presbytery.

which have such a tendency to promote love and charity." The assembly, however, differed from him in opinion, condemned the book, deposed the apologist; and the reveries calculated only for such a soil as France, soon died in the colder climate of Scotland.*

BOOK
XXI.

1701.

LXXXI. The last assembly of William's reign met the 6th of March, to which the earl of Marchmont was sent as commissioner. The royal letter declared his majesty's full satisfaction with the proceedings of the former assemblies, renewed the assurance of his resolution to maintain the established church, and recommended calmness and unanimity in their proceedings. The assembly's answer repeated their thankfulness and their sense of the deep obligations under which they lay towards his majesty, and assurances of their most hearty and dutiful concurrence in his service, which they were the more encouraged to do from the character of the noble lord whom his majesty had been pleased to appoint to represent his royal person in that assembly; a nobleman not only approved for his fidelity in discharging the eminent trusts wherewith he had been so deservedly honoured, but one who was so constant and faithful a partaker in their late sufferings.† While they were drawing up this answer, the

Last assembly of this reign.

The king's letter.

Answer.

* Printed acts of Assembly, 1701.

† From an interesting account of his daughter, lady Grizel Baillie, written by his granddaughter, lady Murray of Stanhope, I select the following anecdotes of Marchmont. "After persecution began afresh, and my grandfather Baillie again in prison, her father thought it necessary to keep concealed, and soon found he had too good reason for so doing; parties being continually sent out in search of him, and often to his own house, to the terror of all in it: though not from any fear for his safety, whom they imagined at a great distance from home: for no soul knew where he was but my grandmother and my mother, except one man, a carpenter, called Jamie Winter, who used to work in the house and lived a mile off, on whose fidelity they thought they could depend, and were not deceived—the frequent examinations and oaths put to servants, in order to make discoveries, were so strict they durst not run the risk of trusting any of them: By the assistance of this man they got a bed and bed-clothes carried in the night to the burying place, a vault under ground at Polwarth church, a mile from the house, where he was concealed a month, and had only for light an open slit at one end through which nobody could see what was below. She went every night [though quite a child] by herself at midnight, to carry him victuals and drink, and staid with him as long as she could to get home before day. In all this time my grandfather showed the same constant composure and cheerfulness of mind that he continued to possess to his death, which was at the age of eighty-four, all which good qualities she inherited from

BOOK
XXI.

1702.

Informed of
the king's
illness.

commissioner received notice of the dangerous state of the king's health, which he immediately communicated to the assembly; advising them to prepare for the worst, by despatching, with all expedition, such necessary business as

him in a high degree. Often did they laugh heartily in that doleful habitation at different accidents that happened. She at that time had a terror for a church-yard, especially in the dark, as is not uncommon at her age, by idle nursery stories, but when engaged by concern for her father, she stumbled over the graves every night alone without fear of any kind entering her thoughts, but for soldiers and parties in search of him, which the least noise or motion of a leaf put her in terror for. The minister's house was near the church; the first night she went, the dogs kept such a barking as put her in the utmost fear of a discovery. My grandmother sent for the minister the next day, and upon pretence of a mad dog, got him to hang all his dogs. There was also difficulty of getting victuals to carry him without the servants suspecting. The only way it was done was by stealing it off her plate at dinner into her lap. Many a diverting story she told about this and other things of the like nature. Her father liked sheep's head; and while the children were eating their broth she had conveyed most of one into her lap; when her brother Sandy, the late lord Marchmont had done, he looked up with astonishment and said, 'Mother, will ye look at Grisell, while we have been eating our broth she has eat up the whole sheep's head.' This occasioned so much mirth amongst them, that her father at night was greatly entertained by it, and desired Sandy might have his share of the next. His great comfort and constant entertainment, (for he had no light to read by,) was repeating Buchanan's Psalms, which he had by heart from beginning to end, and retained them to his dying day. As the gloomy habitation my grandfather was in was not to be long endured but from necessity, they were contriving other places of safety for him; amongst others, particularly one under a bed which drew out in a ground floor in a room of which my mother kept the key. She and the same man worked in the night, making a hole in the earth after lifting the boards, which they did by scratching it up with their hands not to make any noise, till she left not a nail upon her fingers, she helping the man to carry the earth as they dug it in a sheet on his back, out at the window into the garden. He then made a box at his own house large enough for her father to ly in, with bed and bed-clothes, and bored holes in the boards for air. When all this was finished, for it was long about, she thought herself the most secure happy creature alive. When it had stood the trial for a month of no water coming into it, which was feared from being so low and every day examined by my mother, and the holes for air made clear and kept clean picked, her father ventured home having that to trust to. After being at home a week or two, the bed daily examined as usual, one day in lifting the boards the bed bounced to the top the box being full of water. In her life she never was so struck and had near dropped down, it being at that time their only refuge. Her father, with great composure, said to his wife he saw they must tempt Providence no longer, and that it was now fit and necessary for him to go off and leave them, in which he was confirmed by the carrier telling him for news, that the day before he left Edinburgh Bailie of Jarviswood had his life taken from him at the cross. He accordingly in

was before them, and likewise to keep up a public and established course of discipline and order in the church, whatever might fall out; they therefore appointed a committee for nominating the members of a commission, and drawing up instructions, who were ordered to retire instantly, and directed to choose, in the first place, all the old and experienced ministers yet alive that were ministers in the year 1661, and next, all those of most experience and ability, with a just proportion and representation from the several presbyteries; the same day they were dissolved, and after singing the first five verses of the forty-sixth psalm, they separated.

BOOK
XXI.

1702.

Dissolved.

LXXXII. The event they dreaded had already taken place. William had attained the favourite object of his life, he had united the leading powers of the continent and England in a cordial league against France, the protestant succession had been secured in parliament by a bill of attainder against the nominal prince of Wales and king of Britain, the house of commons voted unanimously that no peace should be made with France till reparation were given to the king and the nation for owning a pretender to their throne; they had been liberal in their supplies, and granted for the service of the year an army of forty thousand to act with the allies, and forty thousand seamen for the fleet. The animosities which had always embroiled and embarrassed his measures were suspended, and he was gratified with one glimpse of serenity in the evening of a tempestuous reign; but he felt within himself the symptoms of approaching dissolution, which an accident prematurely hastened. On the 21st of February, riding from Kensington to Hampton Court, in the park, upon smooth level ground, as he was putting his horse to the gallop the horse fell, and he being very feeble, fell off and broke his collar-bone. He was carried to Hampton Court, where the bone was set, but having, contrary to his surgeon's advice, re-

William
sees all his
plans com-
pleted.

Receives a
fall from
his horse.

disguise set out in the dark with a servant, from whom he accidentally separated, and when they met again at Tweedside, the servant informed him that he had been stopped by a party sent to take him up, who had searched his house very narrowly almost immediately after they left it. He on this quitted the high road, after a warning by so miraculous an escape, and got to London through bye-ways, passing for a surgeon."—Lady Murray's Memoirs, pp. 35—43.

BOOK
XXI.

1702.

His death.

His mes-
sage to par-
liament re-
commend-
ing a un-
ion.

turned to Kensington in a coach, the motion of the carriage again put it out of its place ; upon its being reset, however, he went to bed and slept so well that no fears were entertained of immediate danger ; but a feverish ague ensuing, accompanied with asthma, he languished till the 8th of March : on the morning of which day, about five, he received the sacrament from the archbishop of Canterbury, and at eight expired. Almost the last public act of his life was urging upon the English parliament an union with Scotland : the following note was his final communication. " His majesty being at present hindered by an unhappy accident from coming in person to this parliament, is pleased to signify to the house of commons by message what he designed to have spoken to both houses from the throne. His majesty, in the first year of his reign, did acquaint the parliament, that commissioners were authorized in Scotland to treat with such commissioners as should be appointed in England, of proper terms for uniting the two kingdoms, and at the same time expressed his great desire of such an union. His majesty is fully satisfied that nothing can more contribute to the present and future security and happiness of England and Scotland, than a firm and entire union between them ; and he cannot but hope, that upon a due consideration of their present circumstances, there will be found a general disposition to this union. His majesty would esteem it a peculiar felicity if, during his reign, some happy expedient for making both kingdoms one might take place ; and is therefore extremely desirous that a treaty for that purpose might be set on foot, and does in the most earnest manner recommend this affair to the consideration of the house."

His charac-
ter.

LXXXIII. William died in the fifty-second year of his age, having reigned thirteen years and nearly one month. Prematurely born, his constitution was delicate, and, in consequence of the small-pox, asthmatical from infancy. He was of the middle size, and thin, his countenance grave, and his manner cold ; but when animated, or in battle, the piercing brilliance of his dark eye shed uncommon lustre over his other features. His character was distinguished by the strictest integrity, and the most disinterested love of public liberty.

He was brave, indefatigable, and persevering, and possessed an equanimity which adversity could not depress, nor prosperity destroy; he was an affectionate husband, and a sincere friend. As the undaunted deliverer of his native land from a foreign foe, and of Britain from domestic tyranny; as the champion of freedom and protestantism in Europe, he must ever stand on the proudest eminence; and it is only when we view him as king of Scotland that we are compelled to abate our admiration. Yet his conduct there was perhaps more unfortunate than blameable; and the faults he committed originated from a principle which has been even considered as worthy of praise—that kind of impartiality which, in revolutionary times, employs and seeks to unite in the government both the supporters and the opposers of a demolished despotism; which is almost always the source of certain wretchedness to the people, but of very uncertain stability to the throne.

BOOK
XXI.

1702.

BOOK
XXII.

1703.

Ann.

THE HISTORY OF SCOTLAND.

Book XXII.

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BOOK XXII.

1702.
Anne.

I. ANNE, the nearest protestant heir, ascended the throne under a conjunction of propitious circumstances:—her father was dead, her brother a minor, and she, upon every principle of legal or hereditary right, entitled to act as re-

gent. The whigs acknowledged her as named in the deed of settlement, the tories submitted to her as the daughter of James, and the jacobites trusted to her natural affection for securing the reversion of the crown to her own family. In Scotland the revolution party had always maintained the ascendancy, and the government was now entirely in their hands. The convention parliament, however, which had sat during the whole of William's reign, had begun to lose its popularity from the length of its duration ; a new party had arisen during the discussions about Darien, which took the name of the country party, distinct from, although it frequently acted along with, the jacobites, who now began to assume the name of Cavaliers. This party, which numbered among its members some of the most patriotic names in Scotland, were dissatisfied with the parliament, which they considered as too devoted to the crown, and were supported by the Hamiltonians, who wished to see the duke in the situation of Queensberry.

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sion

II. For the same reasons for which the opposition wished the parliament dissolved, the government wished it continued ; and as its duration was prolonged by an act of the former reign [vide p. 361] after his majesty's decease, Hamilton, accompanied by the marquis of Tweeddale, earls Marischal and Rothes, waited upon the queen, to prevail upon her to follow the ancient constitutional mode of allowing it to expire with the king, and issue her orders for calling a new one. But the queen refused to interrupt the provisions of the statute, and issued her proclamation for the estates to assemble June 9th, and appointed Queensberry to act as commissioner.

Parliament
continued.

III. As soon as the parliament met, immediately after prayers were said, and before the duke's commission was read, Hamilton rose, and though repeatedly requested by the commissioner to wait till the house was constituted, persisted in addressing the meeting. "We are come here," said he, "in obedience to her majesty's commands, and we are all heartily glad of her majesty's happy accession to the throne, not merely on account that it was her undoubted right as being lineally descended from the ancient race of

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our kings, but likewise because of the many personal virtues and royal qualities her majesty is endowed with, which gives us ground to hope we shall enjoy under her auspicious reign, all the blessings that can attend a nation, which has a loving and gracious sovereign, united with a dutiful and obedient people; and we are resolved to sacrifice our lives and fortunes in defence of her majesty's right against all her enemies whatever, and have all the deference and respect for her majesty's government and authority that is due from loyal subjects to their rightful and lawful sovereign. But at the same time that we acknowledge our submission to her majesty's authority, we think ourselves bound in duty, by virtue of the obedience we owe to the standing laws of the nation, and because of the regard we ought to have for the rights and liberties of our fellow-subjects, to declare our opinion as to the legality of this meeting, viz. that we do not think ourselves warranted by law to sit and act any longer as a parliament; and that by so doing, we shall incur the hazard of losing our lives and fortunes if our proceedings shall come to be questioned by future parliaments." He then, in name of all who should adhere, read the following reasons of dissent: "Forasmuch as by the fundamental laws and constitution of the kingdom, all parliaments do dissolve by the death of the king or queen, except in so far as innovated by the seventeenth act sixth session of king William's parliament last, it being at his decease to meet and act what should be needful for the defence of the true protestant religion as now by law established, and maintaining the succession to the crown as settled by the claim of right, and for preserving and securing the peace and safety of the kingdom. And seeing that the said ends are fully satisfied by her majesty's succession to the throne, whereby the religion and peace of the country are secured, we conceive ourselves not now warranted by law to meet, sit, or act, and therefore do dissent from any thing that shall be done or acted."

IV. When he had finished reading, he retired, and was followed by about eighty members, who were received with loud acclamations by the multitude as they proceeded from the parliament-house to the cross-keys tavern, near the cross. The dissenting members attempted to justify their conduct

to the queen; but lord Blantyre, who was sent to court with the address, was not allowed to deliver it, although he was himself admitted to the royal presence. To the representation of the members who remained she returned a gracious reply;—marked her displeasure at the dissenters having declined to wait till her commission was read, and at their presumption in openly declaring that they did not conceive themselves warranted to meet in parliament under the act; but assured them of her resolution to own that session of parliament, and to maintain its authority and the dignity of her high commissioner against all opposers. The dean and faculty of advocates being then summoned to the bar for having subscribed an address approving of the conduct of the dissentient members, seventy declared they gave no warrant to the dean to sign the paper, and twenty refused to answer. Her majesty's advocate brought forward a charge against the recusants, which, at the close of the session, was remitted to be disposed of by the privy council.

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The queen
refuses to
receive
their ad-
dress.

v. Disregarding this formidable secession, the remanent members proceeded with the business for which they were assembled. The queen's letter was read in due form, and enforced by the usual introductory speeches. Her majesty assured her loving subjects of Scotland, that she was fully determined to carry on with unremitted vigour the measures of the late king, whose principles she declared her resolution to maintain, and promised the fullest protection to the presbyterian government of the church as at present established: next to providing supplies for such a number of forces as should be necessary for preventing or disappointing the designs of their enemies, she earnestly recommended the consideration of an union between the two kingdoms. The commissioner dwelt strongly on the advantages of such an union; Marchmont, who feared for the presbyterian church, expressed himself in more measured terms, but all agreed in vindicating the queen's authority, and asserting the legality of their own. This was forthwith done in a formal act of recognition; and an attestation, by several of the privy council, of her majesty's having taken the coronation oath, being produced, the oath of allegiance was introduced, with an assurance that her majesty was the

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And to de-
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title to the
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ander
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to appoint
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sioners to
treat for a
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suspected
of being a-
verse to
presbytery.

only lawful and undoubted sovereign of the realm, as well *de jure*, that is, of right queen, as *de facto*, that is, in the possession and exercise of the government; to which was subjoined, an engagement to defend her title against the pretended prince of Wales and his adherents; at the same time, it was declared high treason for any person to disdain, quarrel, or impugn the dignity and authority of the present meeting of parliament upon any pretence whatsoever. On the act which followed, for securing the true protestant religion and presbyterian government, being read a second time, sir Alexander Bruce, commissioner for the burgh of Sanquhar, remarked that it contained many things inconsistent with the essence of the monarchy; for which he was instantly called to the bar, when not giving a satisfactory explanation, he was, without further process, summarily expelled, and another ordered to be elected in his room. A supply of ten months and a half's cess, to be raised in two years, was then unanimously voted, and an act, empowering her majesty to "appoint commissioners to treat for an union; the estates of parliament being fully satisfied that such an union is needful, and would be very advantageous for the defence of the true protestant religion, and for the better preserving and establishing the peace, safety, and happiness of both kingdoms."

VI. Strong suspicions were, however, entertained respecting the queen's aversion to presbyterianism, and predilection for episcopacy, and the consequent danger to the former, from a union with England. Upon this occasion, therefore, before calling of the votes, Walter Stuart, commissioner for the burgh of Linlithgow, declared his dissent, "in respect, that by no clause in the draught of this act were the commissioners limited or hindered from treating about the re-introduction of prelacie, albeit the same be abolished by the claim of right, and craved the same might be recorded." George Moncrief of Reedy, one of the commissioners for the shire of Fife, was the only one who adhered to this dissent; but the letter communicating the act to the queen, which was ordered to be printed, was very explicit upon the subject. In it, it was remarked, that at the accession of the late king, when commissioners were nominated for

a similar purpose, there was an express stipulation, reserving the Scottish established church as it should be at the union; and the presbyterian government being founded on the claim of right, the estates, with their entire confidence in the full assurance her majesty had been pleased to give of her resolution to maintain the presbyterian government as at present established, was their satisfying security. They therefore hoped, that in the whole procedure of the treaty her majesty would have a gracious and careful regard to the act ratified by herself in the then present session, for protecting that government in the church, which, in the experience of all, was found to be the true interest and solid foundation of the peace and quiet of the kingdom.

VII. Hitherto the proceedings of the parliament after the secession had been remarkably unanimous; but Marchmont, in his zeal for the protestant succession, proposed to introduce an act for abjuring the pretended prince of Wales. Queensberry had instructions to pass some such act, only in case it was unanimously demanded, but the presbyterians were divided upon the subject; some thought an act of this kind absolutely necessary, both to preserve the settlement, and to prevent disaffected persons from obtaining admission into the new parliament, while others alleged it would be no effectual security; that it was improper in a parliament, limited as that was in power, and so liable to be cavilled at, to put new limitations upon the members of its successor; and besides, that it would ensure the chief object of England, the succession, and so render the union less desirable for them.

VIII. The commissioner perceiving that the measure might be carried—but not without a division—consulted the English cabinet; who being tory, were not displeased at having the succession in Scotland open, as a check upon the whigs, and advised it not to be pushed; in consequence, he requested the chancellor not to proceed with the motion. Marchmont, however, persisted in his design, and upon a preliminary question obtained a majority, but the nonjurors had proposed a clause, “that after the death of her majesty, and failing issue of her body, no successor should enter to the

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express
their confi-
dence in
her on this
subject.

Act abjur-
ing the pre-
tender pro-
posed—
presbyteri-
ans divided
respecting
its necessi-
ty.

The com-
missioner
requests it
may be de-
ferred—
March-
mont per-
sists.

BOOK legal government until the parliament first met and declared
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Parliament
suddenly
prorogued
—the com-
missioner's
speech.

themselves threatening to return and augment the confusion, his grace of Queensberry rose and unexpectedly terminated the meeting by the following speech: "My lords and gentlemen—the cheerfulness and unanimity of your proceedings in this session of parliament, in recognizing her majesty's royal authority, securing the protestant religion and presbyterian government, and expediting the other acts that have been passed for her majesty's service, and the good and safety of the kingdom, will, I am persuaded, be very acceptable to her majesty, and satisfying to all her good subjects; and I do assure you, is very obliging to me. But I must regret, that when I was expecting we should have finished in the same happy manner, a proposal, which I had some ground to think was laid aside, was offered the other day, to my surprise, as well as that of her majesty's other ministers, which occasioned some debate and difference in the house. My early engaging and firm adherence to the present establishment is so well known, that none can doubt my readiness to enter into all measures for her majesty's service, and securing our happy settlement according to the claim of right; and I am confident that you are all of that mind. Since we are then all the same as to our dutiful and faithful adherence as to her majesty, and that the claim of right is our unalterable security, I judge it fit for her majesty's service, and your own interest, to prevent further contest and debate among persons I know to be so entirely well affected to her majesty, and for whom I have all imaginable honour, to dismiss this session of parliament. We have had no particular acts or ratifications that do require an act salvo; and I do render you hearty thanks in her majesty's name for the loyalty you have testified in your public acts, and which I shall be careful to report to her majesty, and shall only commend to you to let the country know the gracious assurances her majesty has been pleased to give us, and to dispose them to their duty, and to comply with her majesty's royal intentions for their own welfare and happiness. And this I do in her majesty's name, and by her authority ad-

journal this parliament till Tuesday the 18th day of August, which my lord chancellor is to declare in the usual form."* BOOK
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This speech gave omen of the breaking up of the Scottish government, which already was in progress; and no sooner was the parliament prorogued than all the leading men of the various parties set out for London.† 1702.

IX. Under the character of commissioners for the union, Queensberry, Argyle, Seafield, Stair, and several members of government, who could either be presbyterians, revolutionists, or whatever was necessary for retaining their seats, while they prosecuted the end of their mission with considerable zeal, were not less diligent in their applications to the queen and her English ministers. The commissioners appointed from each kingdom to treat of an union met at the cock-pit, 10th Nov. 1702, and continued their sittings till adjourned on the 3d February, 1703. Although they separated upon this occasion without coming to any decisive agreement, their conferences paved the way for the final arrangement of the treaty. They agreed that the two kingdoms should be united in one monarchy; should be represented in the same parliament; and that the succession should be limited to the princess Sophia, electress and dutchess dowager of Hanover, conformably to the English acts; and that a mutual communication of trade and other privileges and advantages was proper and reasonable for a complete union. But the Scottish commissioners objected to the imposition of the same taxes, because having no debt of their own, they did not think it equitable that they should be burdened with that of England, especially as they had borne their share in the expense of the war, by raising, as they went along, the supplies necessary to carry it on. The English represented the debt they had incurred as for the general benefit, and that they had shared in the security their money had purchased; that they were to be admitted to a free participation of their colonial trade, Commissions for the union meet.

* Acts of the Scottish Parl. vol. xi. Lockhart Papers, vol. i. p. 44, *et seq.* Carstairs, p. 714, 717:

† In this parliament were registered the patents of Archibald first duke of Argyle, Robert marquis of Lothian, William marquis of Annandale, James earl of Seafield, and John earl of Hyndford. Their deliberations.

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Their final
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sions.

which they thought equivalent to any share in the impositions, but in consideration of the poverty of the country, they were not unwilling that certain sums should be appropriated for the encouragement of their manufactories and fisheries. The Scottish commissioners did not however conceive themselves empowered to entail upon themselves and their posterity a debt which they were unable to bear; and before that was concluded, desired the opinion of the English commissioners on the following proposition: "That the privileges in favours of the company of Scotland trading to Africa and the Indies, by the 8th act of parliament 1695, &c. 13th act of Parliament 1701, &c. continue and stand in full force and vigour, in favours of the proprietors of the said company, after the union of the two kingdoms." To this last proposition it was answered, "that it had been found by experience that two companies existing together in the same kingdom, and carrying on the same traffic, are destructive of trade; and are therefore of opinion, that to agree to this proposition will be inconsistent with the interest of Great Britain." They finally separated after the following conclusions: "Agreed by the lords commissioners for both kingdoms, that neither kingdom shall be burdened with the debts of the other contracted before the Union; and that no duty on home consumption or taxes to be levied from Scotland shall be applied to the payment of English debts: and that some time is to be allowed to Scotland to reap the benefit of the communication of trade, and enable them the better to pay duties on home consumption equal to England, but that it is most proper to be determined in the respective parliaments of both kingdoms." But the Scottish commissioners left it on record, should the subject be resumed, "that if the existing companies for carrying on the same traffic should appear to the English destructive of trade, they did not expect that their lordships would insist that the privileges of the Scots company should be abandoned, without offering at the same time to purchase their right at the public expense."*

* Proceedings of the commissioners appointed to treat for an union 1702. Appendix to Scot. Acts, vol. xi.

x. At the time when these discussions terminated, it was uncertain to whom the merit or the blame of their interruption belonged, nor is it now a matter of any great importance; but some of the principal presbyterians rejoiced as if the preservation of their church had depended upon it, and it was immediately followed by the dismissal of almost the whole of the more rigid from the administration—Leven, Melville, and Marchmont. Lord Seafield, —now chancellor—was sent down as commissioner, to open the Assembly, which met in March, and he brought with him the queen's assurance of protection to the presbyterian government, "as that which she found most acceptable to the inclinations of the people, and the laws of the kingdom;"—a form of expression which, from her known sentiments in religion, was rather unsatisfactory; and the assembly, in thanking her for her refreshing encouragements, were particular in noticing the government of the church so happily established, as that which was "agreeable to the word of God." The synods had been more forward in expressing their doubts, and had framed acts respecting the points in their polity they thought in danger, and it was proposed to follow the same method in the assembly, and assert the intrinsic power of the church to hold and to dissolve its own courts; but the moderate party of the day scouted the idea as ridiculous, telling their brethren, that as they possessed the power, it was useless to assert it by an act. The proposal was accordingly dropped; but while the assembly were debating an overture for preventing papists intermarrying with protestants, his grace rose and dissolved the meeting in her majesty's name. Mr. Meldrum, the divinity professor in Edinburgh college, taken wholly unawares, closed the meeting with prayer, greatly to the dissatisfaction of the members, who from every quarter were urging their protests.*

* This abrupt dissolution of the assembly occasioned the question between church and state respecting the intrinsic power of the church to be settled by a compromise, in which the honour was granted to the latter, while the former retained the power, and the form adopted which has been continued to this day;—the assembly being first dissolved in the name of the Lord Jesus Christ by the moderator, and then in the name of the magistrate by the commissioner.

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Change of
ministry.General
assembly.Its answer
to the
queen's let-
ter.Unexpect-
edly dis-
solved.

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People dissatisfied at the long continuation of the same parliament.

Another called.

The ministry composed of two parties.

The opposition similarly divided.

The commissioner courts the jacobites.

The presbyterians Hamilton's party.

xi. But if the dissolution of the assembly occasioned great complaints among the ministers, the prolongation of the parliament occasioned not less discontent among the people. The representative part, which, by the Scottish constitution, ought to have been re-elected annually, had now continued unchanged for fourteen years; and as the jacobites gave it the name of the Rump after duke Hamilton's session, it was beginning to sink in public estimation, as its predecessor of the same name had done. It therefore became necessary to comply with the general wishes, and all were on the alert to secure a majority at the expected elections. But the administration, by the late change, was now composed of two parties jealous of each other—the fragments of the old, and the newly-admitted officers of state; they were opposed by the country party, also composed of two:—presbyterians and gentlemen attached strongly to no sect in religion, of which Hamilton and Tweeddale were the reputed leaders; the jacobites—called from the tavern they met in, Mitchell's club—at whose head stood the earl of Home, formed a separate corps ready to act with either as occasion offered. Seafield, from mistaken ideas of their strength, courted the jacobites; and by flattering them with the queen's secret attachment and her reliance upon their fidelity—"for the Grahams and the Ogilvys," he said, "were always loyal,"—persuaded them to join the government. To reinforce their ranks, an indemnity was granted for all that had been done since the revolution, permitting those who were in exile to come home; and the episcopalian clergy were cheered with the hopes not only of toleration but of sharing in the bishop's unappropriated rents. Disgusted with the treatment they had received, and dreading the security of the revolution settlement, the presbyterians were assiduous in procuring the returns of their friends; and Hamilton, who was too wise to commit himself to any desperate cause, did not oppose their exertions. When the estates met it would have been difficult, from the admixture of the different parties, to have anticipated to which the majority would eventually belong; and perhaps never in our parliamentary history did so many remarkable changes and interchanges of prin-

ciples and parties, from accident and from interest, from the passions of the members and the management of their leaders, take place, as in the course of this the last and most interesting parliament of Scotland.

XII. Before narrating its proceedings, I shall describe the manner in which it was constituted.* After riding, as de-

* The streets of the city of Edinburgh and Canongate being cleared of all coaches and carriages, and a lane formed, by the streets being inrailed, on both sides, within which none were permitted to enter but those who went in procession; the captains, lieutenants, and ensigns of the trained bands excepted. Without the rails, the streets being lined with the horse guards, from the palace of Holyrood-house, westwards; after them with the horse grenadiers; next, with the foot guards, who covered the streets up to the Netherbow; and thence to the Parliament Square, by the trained bands of the city; from the Parliament Square to the Parliament House, by the Lord High Constable's guards; and from the Parliament House to the bar, by the Earl Marischal's guards; the Lord High Constable being seated in an elbow-chair at the door of the Parliament House; the officers of state having rode up before in their robes; and the members of parliament, with their attendants, being assembled at Holyrood-house, the rolls of parliament were called by the Lord Register, Lord Lyon and heralds, from the windows and gates of the palace; from which the procession moved to the Parliament House in the following order:

Two trumpets in coats and banners, bareheaded, riding. Two pursuivants in coats and foot-mantles, ditto. Sixty-three commissioners for boroughs on horseback, covered, two and two, each having a lackey attending on foot, the odd member walking alone. Seventy-seven commissioners for shires, on horseback, covered, two and two, each having two lackies attending on foot. Fifty-one Lords Barons in their robes, riding, two and two, each having a gentleman to support his train, and three lackies on foot, wearing above their liveries velvet surtouts, with the arms of their respective lords on the breast and back, embossed on plate, or embroidered with gold and silver. Nineteen viscounts as the former. Sixty earls as the former, four lackies attending on each. Four trumpets, two and two. Four pursuivants, two and two. And six heralds, two and two, bareheaded. Lord Lyon King at Arms, in his coat, robe, chain, baton, and foot-mantle. Sword of State, borne by the Earl of Mar; the sceptre by the Earl of Crawford, supported by three macers on each side. **THE CROWN**, by the Earl of Forfar, in room of the Marquis of Douglas. The Purse and Commission, by the Earl of Morton. **THE DUKE OF QUEENSBERRY, LORD HIGH COMMISSIONER**, with his servants, pages, and footmen. Four dukes, two and two, gentlemen bearing their trains, and each having eight lackies. Six marquisses, each having six lackies. The Duke of Argyle. Captain of the Horse Guards. The Horse Guards.

The Lord High Commissioner was received by the Lord High Constable, and by him conducted to the Earl Marischal, between whom, his grace, ushered by the Lord High Chancellor, was conveyed to the throne. When the par-

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ing the
parliament.

scribed in the note, when assembled in the house, prayers were said, then the lord high commissioner's commission in Latin was read and recorded; when finished, the rolls were called, and if any of the members were called out of the proper order, the protests for precedency were entered. Upon the rolls being concluded, the court of parliament was fenced by the lyon king at arms, the words thereof being read by the lord clerk register, and repeated by him as follows: "Forasmuch as this present parliament was called by her present majestie's royal authority and special mandate, and is now met and convened in obedience thereto, I therefore, in the name of her most sacred majesty, Anne, by the grace of God, of Scotland, England, France, and Ireland, queen, defender of the faith, and in the name of the high and mighty prince, James, duke of Queensberry, her majestie's high commissioner for this kingdom, do fence and fix this court to sit, hold, and continue during her majestie's pleasure; and I command all and sundry to reverence, acknowledge, and obey the same, and I defend and forbid all persons whatsoever to make or occasion any trouble or molestation to this high court of parliament, as they will answer at the highest peril." Whereupon the lord Boyle, lord treasurer depute, took instruments in absence of her majesty's advocate. Commissions for the officers of state were produced and read, and they took the oaths and their seats in parliament; these were, the earl of Seafield, lord chancellor; marquis of Annandale, president of the privy council; earl Tullibardine, lord privy seal; viscount Tarbet, secretary; sir James Murray of Philiphaugh, lord clerk register; and Mr. Roderick Mackenzie of Prestonhall, lord justice clerk.

The
queen's let-
ter.

XIII. Her majesty's letter to the parliament was then read, first by the lord clerk register, and thereafter again by one of the ordinary clerks. It was very general, expressive of her affection for their religion and liberty, and her readiness to supply whatever might be wanting for the security or satis-

liament rose, the procession returned in nearly the same order to Holyrood-house, where the members were magnificently entertained at supper by the Commissioner.

faction of her ancient kingdom; recommended that the necessary supplies be granted for support of the righteous war in which she was engaged in defence of the liberties of Christendom; that trade might be encouraged, and as she had mentioned nothing but what was for their own good and welfare, she confidently expected a suitable return and a dutiful and cheerful concurrence in what she proposed. Whenever the commissioner and chancellor had finished their speeches, the duke of Hamilton announced an act for recognising and asserting her majesty's authority, and her undoubted right and title to the imperial crown; an act intended to convey, by implication, doubts of the legality of the recognition by the parliament from which he had seceded, and preparatory to a motion by which it was proposed to declare the meeting itself illegal; but the lord advocate suggested an additional clause, "that it should be high treason to question either her majesty's right and title to the crown, or her exercise of the government since she had succeeded to it;" which being carried by a large majority, confirmed her sanction of the disputed session.

Duke of
Hamilton's
act of re-
cognition.

The legiti-
ty of the
late session
confirmed.

xiv. Money being the chief object for which the parliament was convoked, the jacobites, with ostentatious loyalty, were eager for granting the supply, and agreed with the commissioner that their chief lord Home should move it. But Marchmont, the steady friend of the church, resolved that the presbyterian government should be ratified, and Argyle,—whose property depended upon it—that the revolution should be confirmed in a parliament against which there existed no objection, before they proceeded to any money vote; and they accordingly waited upon his grace, and informed him of their intentions. He in vain endeavoured to persuade them to defer their motion till he had obtained the supply, when all their wishes would be acceded to; but they knowing their power, persisted; and when Home presented the draught of "an act and offer of supply to her majesty," it was met by an overture for a resolution, "that before all other business the parliament might proceed to make such conditions of government and regulations in the constitution of this kingdom, to take place after the decease of her majesty and the heirs of her body, as shall be necessary for the

Motion for
granting a
supply.

Met by a
resolution
for first se-
curing the
govern-
ment, &c.

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Saltoun's
speech.

The money
act deferr-
ed.

preservation of our religion and liberty." On this occasion Fletcher of Saltoun exerted, with triumphant efficacy, his eloquence, characterized, says a late writer, by a nervous and concise simplicity, always dignified and often sublime; whose speeches may be classed among the best and finest specimens of oratory which the age has produced. "I am not surprised," was his first address, "I am not surprised to find an act for a supply brought into this house at the beginning of a session. I know custom has for a long time made it common; but I think experience may teach us that such act should be the last of every session, or lie upon the table till all other great affairs of the nation be finished—and then only granted. It is a strange proposition which is usually made in this house, that if we will give money to the crown, then the crown will give us good laws; as if we were to buy good laws of the crown, and pay money to our princes that they may do their duty, and comply with their coronation oath. And yet this is not the worst; for we have often had promises of good laws, and when we had given the sums required, those promises have been broken, and the nation left to seek a remedy, which is not to be found unless we obtain the laws we want before we give a supply. And if this be a sufficient reason at all times to postpone a money act, can we be blamed for doing so at this time, when the duty we owe to our country indispensably obliges us to provide for the common safety in case of an event altogether out of our power, and which must necessarily dissolve the government, unless we continue to secure it by new laws—I mean the death of her majesty, which God in his mercy long avert?"

I move, therefore, that the house would take into consideration what acts are necessary to secure our religion, liberty, and trade, in case of the said event, before any act of supply, or other business whatever, be brought into deliberation." —The money act was allowed to lie on the table, but the house adopted in substance the proposed resolution.

xv. Flattered by the attention the queen had paid their persuasion, and presuming upon a letter her majesty had written to the privy council in their favour, the episcopalian clergy had already anticipated a re-establishment, and

without farther warrant invaded the parishes of the presbyterians, and forcibly in some cases took possession of the vacant pulpits. In the last assembly an address had been drawn up upon the subject ; but when the full toleration to all protestants in the exercise of their worship was introduced into parliament, by the earl of Strathmore—evidently in order to exempt them from the present oaths to government, and pave the way for their free induction into the church livings—the commission presented a representation against it; and the earl of Marchmont and the duke of Argyle hastened their proposed bills, and procured to be passed in as strong terms as legal ingenuity could devise, “ An act ratifying, approving, and perpetually confirming all laws, statutes, and acts of parliament made against popery and papists ; and for establishing, maintaining, and preserving the true aforesaid protestant religion ; as likewise for ratifying, establishing, and confirming presbyterian church government and discipline by kirk sessions, presbyteries, provincial synods, and general assemblies, as agreeable to the word of God, and the only government of Christ’s church within the kingdom :” which was followed by another, expressed in language not less energetic, declaring it to be high treason to question the authority of the convention parliament, or maliciously attempt to alter or innovate the claim of right, of which the abrogation of prelacy, and the establishment of presbytery, formed prominent articles.

xvi. While the rolls were calling upon this last question, the clouds which had been gathering burst upon the house ; and as the clerk proceeded, the rain fell in torrents, with such thundering din upon the leaden roof, that his voice was drowned, and he was obliged to pause. In the midst of the portentous gloom, as the opponents of the bill termed it, sir David Cunningham warned the meeting “ that it was apparent the heavens themselves declared against their proceeding.” It passed however, notwithstanding the baronet’s warning, and the jacobites, thus seeing their hopes blasted, and their religious supremacy prescribed, under the penalty of treason, became exasperated with the government who had promised them protection in reward for their assistance, and

BOOK
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1703.

Rash proceedings of the episcopalian ministers.

Acts for preserving the protestant religion,

and confirming the authority of the convention parliament.

Jacobites disappointed, join the country party.

BOOK
XXII.

1703.

Act of security unites all parties.

Distressed state of Scotland,

Attributed to the union of the two crowns.

joined the country party, with whom they continued to vote during the remainder of the session.

xvii. But the question which united the patriot and the intriguers, the country party and the jacobites, and all who were discontented for a time under the same banner, was the Act of Security. That Scotland had continued to decline since the union of the two crowns could admit of no dispute. Instead of the golden girdle of Fife which she possessed when James took possession of the English throne, the sea-ports on her southern shores were compared in hyperbolical language to Tyre and Sidon—places only for fishermen to dry their nets. Their ancient favoured and flourishing commerce with France was annihilated; that with Spain and the Baltic languished; and with Holland was almost on the point of expiring. Their home manufactures wanted encouragement; the export of the raw material was circumscribed, and the value of the lands had in consequence decreased. The origin of all this distress was traced to the union of the two crowns, since when not only had the trade of the country gone to decay, but their whole money was spent in England. The very furniture of their houses, and the best of their clothes and equipage were bought in London; and although particular persons of the Scottish nation had profitable places at court, yet that was no advantage to their native land, which was totally neglected, like a farm managed by servants, and not under the eye of a master; while the great business both of Scottish and English ministers was to extend the prerogative in Scotland, and sacrifice her interest to her more powerful neighbours. Four reigns had exemplified this in a continued series of encroachments on the part of the crown, which, pushed beyond endurance, occasioned a revolution, but of which England alone had known how to profit; while they, untaught by experience, still laboured under the same pernicious foreign influence in the councils of their sovereign, the consummation of which was but lately witnessed at Darien.

xviii. To counteract these mischiefs, the remedy that naturally presented itself to the Scottish patriots was to replace their country beyond the influence of English councils; and

as this had originated by their omitting to restrict their native princes when they mounted a foreign throne, and was continued by a similar mistake when a foreigner succeeded at the revolution, now, if providence should dissolve the connexion of the two kingdoms by the decease of the queen, and again throw the power into their own hands, it was a duty they owed to themselves and their posterity to prevent a repetition of the same error; an act, therefore, was introduced, in prospect of this contingency. Precisely on the twentieth day after the death of the queen, the parliament then in being, or in case there should be no parliament in existence at the time, the members of the last preceding, without regard to any that might be indicted, were to assemble in Edinburgh to present the claim of right and administer the coronation oath to her successor, or appoint commissioners to administrate it within thirty days, if he or she were in Britain, or sixty if absent. If the heir were a minor, the estates were directed to appoint a regency; and if no heir had been already settled, to name one, of the royal line of Scotland and of the true protestant faith; providing always that the same be not successor to the crown of England, unless during her majesty's reign there should be such conditions settled and enacted as may secure the honour and sovereignty of the crown and kingdom of Scotland, the freedom, frequency, and power of parliaments, and the religion, liberty, and trade of the nation from English or any foreign influence. From this parliament were to be excluded all papists, and all Englishmen or foreigners having Scottish titles, who did not possess estates in Scotland to the value of twelve thousand pounds yearly rent. In the interval between the death of the queen, and the meeting of the parliament, the government was to be lodged with such members of the estates and privy council as should happen to be in Edinburgh. All civil commissions, except those of sheriffs and justices of the peace, were to expire with the sovereign, and all military above the rank of captain; the subalterns and soldiers were to repair to their respective quarters or garrisons, and put themselves under the immediate command of the interim government. And, in order to effectually ensure the execution of this act, and prevent its interruption by any

Provisions
of the act
of security.

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Arguments
in support
of the act.Fletcher's
speech.

alien force, the whole fencible men being protestants, were ordered to be from that date uniformly armed and trained.

XIX. Upwards of three months were employed in framing this act, which was debated clause by clause, nor, since the year 1649, had any such bold free discussion taken place in a Scottish parliament; but the grievances were ascribed to the same origin, and similar methods of redress were now proposed to be adopted. As then the disposal of places were to be under the control of the estates, that the nobility and expectants might find it their interest to remain at home, and not waste their revenues in hanging on at a foreign court, or dangling at the levees of English ministers, intriguing for situations to which they had a natural right, and which, if bestowed by foreigners, would be employed to support the power from whence they were derived; and it was contended that this was no encroachment upon the royal prerogative, but only to wrest a dangerous power from the hands of his English ministers. There was no way, they urged, to free Scotland from dependence upon the English court, unless by placing the power of conferring offices and persons in this our parliament, so long as they should have the same king with England. "Without this," said Fletcher, "it is impossible to free us from a dependence on the English court; all other remedies and conditions of government will prove ineffectual, as plainly appears from the nature of the thing; for who is not sensible of the influence of places and pensions upon all men and all affairs. If our ministers continue to be appointed by the English court, and this nation may not be permitted to dispose of the offices and places of this kingdom, to balance the English bribery, they will corrupt every thing to that degree that if any of our laws stand in their way they will get them repealed. Let no man say that it cannot be proved that the English court has ever bestowed any bribe in this country, for they bestow all offices and pensions, they bribe us at our own cost! 'Tis nothing but an English interest in this house, that those who wish well to our country have to struggle with at this time. We may, if we please, dream of other remedies; but so long as Scottishmen must go to the English court, to obtain offices of trust or profit in this kingdom,

these offices will always be managed with regard to the court and interest of England, though to the betraying of the interest of this nation, whenever it comes in competition with that of England. And what less can be expected unless we resolve to expect miracles, and that greedy, ambitious, and for the most part, necessitous men, involved in great debts, burdened with great families, and having great titles to support, will lay down their places rather than comply with an English interest? Now, to find Scottishmen opposing this, and willing the English ministers should have the disposal of places and pensions in Scotland rather than their own parliament, is matter of great astonishment, but that it should be so much as a question in the parliament, is altogether incomprehensible!"

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1703.

xx. A decided majority went clearly along with this reasoning, while the ministry in vain employed every art to divide their opponents; they protracted the session, that the members, wearied and exhausted by attendance, might return to their homes; they were seldom permitted to meet except once every third day, of which committees and private business consumed the half; when this failed, other bills were brought in and passed to conciliate the least violent. To prevent Scotland from being unnecessarily dragged into the continental quarrels of England, it was enacted that no king or queen of Scotland and England should have the sole power of making war with any prince, potentate, or state whatsoever, without the consent of parliament, and that no declaration of war without such consent should be binding. The privileges of the company trading to Africa and the Indies were fully confirmed, and they were empowered to grant them to all persons and ships trading to Asia, Africa, or America, by commission under the company's seal; the prohibition was continued upon the importation of all Irish corn or cattle, to satisfy the country gentlemen, and that upon French wines removed to please the merchants. But the supporters of the act of security would admit of no substitute and hear of no compromise; it was carried by a majority of fifty-nine votes. A bill brought in by the earl of Marchmont to settle the succession, with the proposed limitations, in the princess Sophia, was lost by

Plans of the
ministry to
create a
division,and to con-
ciliate the
least violent
members.Act of se-
curity car-
ried.

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Bill for
settling
the succe-
sion lost.Tumultu-
ous debate
on the
supply.The session
closed.Hopes of
the jaco-
bites re-
vived.Proposals
to duke of
Hamilton.

nearly about the same majority, and the clamour against it was so loud that some of the cavaliers proposed it should be burned, and some even ventured to call for his lordship being sent to the castle. The supply, however, gave rise to still more angry collision. On the 5th of September, when the subject was introduced, the house, crowded in all quarters, became a scene of tumult and confusion, some demanding the royal assent to the act of security, others asking if parliament was never to meet for any thing else than to grant money for the support of those who were betraying it, till after a warm discussion for several hours, the question was stated, whether to proceed to overtures for liberty or a subsidy? And, amid shouts from the spectators of "liberty and no subsidy," it was determined to proceed next day to consider the limitation on the crown. Next day, after touching with the sceptre such acts as he was empowered to pass, the commissioner closed this important session, whose turbulence was only a prelude to some more furious assemblies he was afterwards to meet, before he finally closed the parliament of Scotland.*

xxi. These proceedings of the Scottish parliament were viewed with keen and anxious interest in England and in France; and the jacobites, whose hopes rose with every appearance of commotion in that country, were stimulated to fresh exertions. So long as the succession to the Scottish crown could be kept undetermined, there was no legal barrier against the recall of the exiled family; and the court of St. Germain transmitted urgent solicitations to the duke of Hamilton, with whom they kept up uninterrupted communication, to prevent by every means in his power this point

* Acts of the Scottish Parliament, vol. xi. and Appen. Lockhart's Papers, vol. i. p. 62, *et seq.* Fletcher's Political Works. Macpherson, vol. i. p. 261. Ridpath's Proceed. of Parliament. Boyer, vol. ii. 66-7. Stewart Papers, Macpherson, vol. i. p. 666-668.

After the prorogation, the marquis of Douglas and the marquis of Athol, were made dukes. Viscounts Stair, Roseberry, earls; Tarbat, earl Cromarty; lord Boyle, earl of Glasgow; Stewart, earl of Bute; and Hope, earl of Hopetoun. In September of the same year, Archibald, duke of Argyle, died; a nobleman of superior abilities, and well adapted for business when he chose to apply, but gay and dissipated. He was succeeded by his son John, deservedly distinguished as the great duke of Argyle.

from being settled, but at the same time excited him to more active measures. The stake which Hamilton had in the country rendered him wary; he cautiously advised securing an interest in the parliament by purchasing the members, and a scheme had been in agitation to gain the queen's consent that her brother should be named as next in the succession, for the jacobites never doubted of his mounting the throne after her death; the more ardent at the court of St. Germain thought it not improbable Anne might be induced to allow him to possess the Scottish crown even during her life. To this last unnatural proposition, which, besides being extremely unlikely to succeed, must at once have involved the kingdoms in another civil war, Hamilton never appears to have agreed. He did not think it either political or prudent to push the matter farther, than to keep the succession undetermined, nor would he consent to engage in any undertaking to attempt his object by force, unless previously acquainted with the strength of England, and the auxiliaries from France, upon whom he might depend; and for this he was accused of having designs upon the Scottish crown himself, as being next protestant heir if the house of Hanover were set aside. The earl of Middleton, who still acted as secretary for the ex-queen and her son, entirely concurred in his suggestions, though the ex-queen herself for a time was rather inclined to favour the projects of an adventurer whose crimes had forced him to leave his country.

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1703.

Extrava-
gant expect-
ations of
the jaco-
bites.Hamilton's
wary con-
duct.Accused of
aspiring to
the crown.

XXII. Simon Fraser, afterwards notorious as lord Lovat, was a son of Thomas Fraser of Beaufort. Related to the chief, when he died in the year 1698, leaving a widow and four daughters, the two Frasers of Beaufort, father and son, collected their friends, and attempted to seize the estate as next male heirs, but the interference of Athol in favour of his near relative, the lady Lovat and her family, terrified them into a formal renunciation of their claim; in September 1697, however, Simon, with an armed force entered the house of the widow, seized her person, had the marriage ceremony pronounced amid the noise of bagpipes, and having stripped her naked by cutting off her stays with his dagger, dragged her shrieking to bed and consummated his

Simon Fra-
ser.Commits a
rape on la-
dy Lovat.

BOOK
XXII.

1703.

His in-
trigues a-
broad.Returns to
Scotland—
his motions
watched.Employed
as a spy by
Queens-
berry.

pretended marriage amid the riot and uproar of his desperate attendants. For this horrible outrage Fraser was obliged to flee the country, and being tried in absence, was found guilty upon the most ample proof. Having ingratiated himself with James, he offered to betray him to William, provided he could obtain a pardon; through the medium of Archibald, earl of Argyle, he did receive a remission for his treasons, but the rape not being included, he again resorted to St. Germain's. On his second visit he secured the friendship of the pope's nuncio by turning papist, and flattered the queen by the most extravagant proposals. By them he was introduced to the marquis de Torcy as a gentleman capable of rendering essential service to France; and in a private interview with Louis, he assured him that if five thousand French troops were landed at Dundee, and five hundred at Fort William, the highland chieftains, from whom he was commissioned, would rise with ten thousand more. Not being able to produce his credentials, the French king allowed him a gratuity and time to procure them, but the Scottish exiles, who knew his character, sent two of their tried friends, under protection of the indemnity, to watch his motions.

XXIII. To show that he was an accredited messenger, he carried with him a major general's commission from the pretender, and on his arrival in England was met by the duke of Argyle, his patron, at Newcastle; thence he was brought privately to Edinburgh, and introduced to Queensberry as a useful spy at the time when the jacobites had deserted him, and when he was sorely galled by the act of security. Fraser's exaggerations easily gained credit with the commissioner, as they were founded partly upon fact, and appeared confirmed by a letter which he carried from the exile queen to some nobleman, whose name being left blank in the superscription, he had filled up with that of Athol, then extremely obnoxious on account of his opposition; but in order to ascertain the extent of the correspondence between the jacobites and St. Germain's, he was allowed to roam through the highlands to obtain written promises from the chiefs who were willing to aid the cause of the pretender; his endeavours were unsuccessful, yet when parliament

was prorogued, he was furnished with passports and money to proceed to Paris on a similar mission.

xxiv. Before he reached the French capital his double dealing had been discovered ; Ferguson, an old experienced plotter, to whom application had been made, detected his correspondence with Queensberry, and suspecting some sinister design, gave information to Athol, who immediately complained to the queen that a fictitious plot had been fabricated for his destruction. Queensberry retorted that a conspiracy did exist, and except for this premature disclosure, he had no doubt but that he would have been able to trace it. Fraser upon his arrival in France gave a pompous egotistical account of his adventures and success to the self-styled Britannic court ; but the contradictions and absurdities it contained were exposed by Middleton, whose worst suspicions being confirmed by the reports of the two gentlemen sent to Scotland to superintend him, Lovat's first political enterprise ended in his being, at the request of the Scottish exile court, committed close prisoner to the bastile.*

xxv. Probably there is no nation sooner agitated by the report of a plot than the English, and this, which was termed the "Scotch plot," created no small degree of alarm. The apprehension of sir John Maclean at Folkston, who had crossed from France in an open boat with his lady, but lately delivered, served to confirm it. He pretended, at first, that he only meant to proceed home through England, to take advantage of the indemnity; but being threatened with the English law, that made coming from France without permission treason, he told what he knew of the intercourse between the pretender's friends. In consequence, the subject came under discussion in the two houses; the commons, where the tories prevailed, appeared willing to treat it as a political contrivance of the duke of Queensberry's to ruin his opponents; the lords, where the whigs

1704.
The Scotch plot.

Confession of sir John Maclean.

Dispute between the lords and commons respecting it.

* Stewart Papers. M'Pherson, vol. i. p. 653. Lochart's Papers, vol. i. p. 89, *et seq.* Burnet, vol. v. p. 162.

Lovat in his memoirs, directly contradicts the statements of Lockhart, but he wisely left them for a posthumous publication. The magnificence and power with which this highland prince clothes himself, would give a character of romance to his production, were not the facts otherwise decisively disproved in many of their most important particulars.

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XXII.

1704.

Resolution
of the lords.Advise the
queen to
settle the
succession.David
Lindsaytried for
high trea-
son.

were most numerous, appointed a select committee to examine evidence. While their lordships were proceeding, the commons represented, in an address to the queen, their conduct as an encroachment upon the royal prerogative, in taking the inquiries out of her majesty's hands; the lords replied, by charging them with an interference of dangerous consequence to the liberties of the people, and the privileges of parliament.

xxvi. On receiving the report of the committee, which was chiefly founded on the confession of Maclean, "that the court of St. Germain's had listened to Lovat's proposals, that several councils had been held at the pretender's court about an invasion, and that persons were sent over to sound the inclinations of the Scottish nobility," the lords resolved "that there had been a dangerous conspiracy in Scotland towards the invading that kingdom with a French power, in order to subvert her majesty's government, and the bringing in the pretended prince of Wales; that it was their opinion nothing had given so much encouragement to these designs as the succession of the crown of Scotland not being declared in favour of the princess Sophia and her heirs; that the queen should be addressed to use such methods as she thought convenient for having the succession of the crown of the kingdom settled after that manner; and that being once done, then they would do all in their power to promote an entire union of the two kingdoms."

xxvii. Thus far the whigs were perhaps entitled to push their advantages; but in the conflict of parties, it rarely happens that even the right is always rightly supported; and it is doubtful whether they did much service to their cause by the trial of David Lindsay, formerly Melfort's under-secretary, that followed. He had been in France, but came home to Scotland, where he had taken advantage of the queen's indemnity, and being assured by some of the most eminent Scottish lawyers, that he was perfectly safe, he went by Berwick to London, for his wife and children; but he had scarcely arrived ere he was arrested and arraigned for high treason, in expectation that, to save his life, he would make disclosures. At his trial he frankly acknowledged the facts with which he was charged, but pleaded his rights as a Scot-

tishman and the queen's pardon; notwithstanding, he was condemned to suffer the death of a traitor. Between receiving sentence and the day appointed for execution, he was assailed by promises of pardon if he would discover what he knew of the treasonable correspondence; but preferring death to dishonour, he allowed himself to be carried to Tyburn, and, with the rope about his neck, refused to purchase life by betraying his trust. A reprieve was then produced, and he was carried back to Newgate, where he languished for four years, to the disgrace of the government who had thus inhumanly tortured him, and was afterwards banished to the continent, where, to the still deeper disgrace of those whom his silence had saved, he was allowed to perish "for want of necessary food and raiment."* Though Lindsay, in exile, was shamefully forgotten, his heroic constancy at the time made a powerful impression, not on the jacobites alone, but on the country party, who remarked, "if we commit any crimes we have the privilege of being tried and punished as Englishmen, without the benefit of clergy, but as for matters of advantage or reward, we are worse than foreigners."

BOOK
XXII.

1704.

Condemned.

Reprieved.

Neglected.

xxviii. Great part of the winter was spent by Queensberry in attempting to remedy the mistake he had committed in driving the staunchest of the presbyterians into so close a junction with the country party; and he endeavoured to strengthen himself with the tories by procuring a share of the queen's bounty for their poor clergymen in Scotland, in which benevolent attempt he was chiefly obstructed through the avarice of the titular archbishop of Glasgow, who represented them to the queen as no friends to her person or government.† He called also meetings of such of the Scottish

Queensberry's attempts to gain the tories—frustrated.

* Trial and condemnation of David Lindsay, a Scotch gentleman. Edin. reprinted 1740. Lockhart Papers, vol. i. p. 87.

† It is curious to remark how the episcopalians themselves, when opposed to each other, verify the accusations which the presbyterians brought against their church dignitaries. Queensberry had carried with him to court Patterson, archbishop of Glasgow before the revolution, of whom and his mission Lockhart thus speaks: "After the abolishing of episcopacy, he lived privately, indulging that avaricious worldly temper which had sullied his other qualifications in all the capacities and stations of his life, and which likewise moved him to embark on this design, while he pretended to the cavaliers that he undertook

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XXII.

1704.
Consults
the Scot-
tish council
in London.
Stair's pro-
posal.

council as were in London, to discuss, in her majesty's presence, the measures to be adopted in this critical conjuncture. In one of these the earl of Stair proposed—as Queensberry's influence had declined, and the jacobites were exasperated by the discovery of the plot, nor was it likely another session would be more tractable than the last—that no more Scottish parliaments should be called, and that an English force should be sent to preserve obedience. But the experiment was too hazardous; and a change in the Scottish ministry was deemed the safer expedient.

Change of
ministry.

xxix. This determination was hastened or confirmed by the arrival of a deputation from Hamilton and the country party in Scotland. Hamilton who eagerly desired the commissionership, when he heard of the proceedings in England, in concert with the heads of that party, sent Rothes, Roxburgh, and Baillie, to lay before the queen the agitated state of the kingdom, and the necessity of re-assembling the estates. From their united representations, the English ministry were persuaded that Queensberry would at that time be unable to manage the refractory spirits, and he himself was rather willing to yield to than brave the storm. Accordingly, a coalition was patched up; Queensberry retired, and Tweeddale was appointed commissioner in his place. Seafield remained chancellor, and Cromarty continued sole secretary.

Unsatis-
factory.

xxx. By dividing some of the official situations among the country party, and keeping others open to bribe by expectation—the cheapest, yet perhaps the most powerful ingredient in the art of seduction—it was hoped the ministry might be able to command a majority; and as they were empowered to grant the required limitations, that the opposition would be ineffectual and powerless. But rumours had reached Scotland that the new was merely a temporary

that long journey in the middle of winter, so dangerous to his grey hairs! only to supplicate queen Anne to bestow the vacant bishop rents on the poor starving episcopal clergy. Yet when this matter was under the consideration of the queen and her servants, his charitable zeal did allow him to accept of four hundred pounds sterling per annum out of them, although there remained but twelve hundred after his four was deducted, to be divided among the whole of his needy brethren; and his lordship was worth twenty thousand pounds of his own."—Lockhart Papers, vol. i. p. 84, 85.

arrangement, to answer a purpose; that they were entirely under the influence of the English court; that the professions they brought were insincere; and before the session commenced, an opposition was organised that insured their defeat. Hamilton and Athol, who had been accused as accessory to the "Scotch plot," had never committed themselves in such a manner as that a correspondence could be proved against them, while Queensberry had incautiously incurred the charge of endeavouring to sow dissension between the nobles and the queen; a crime, which although not now punishable by death or confiscation, was yet sufficient to incur dishonour and banishment; they both, therefore, in a previous agreement, consented that the business should not be rigidly inquired into, and Queensberry's friends, who were displeased at being dismissed, joined the patriots to obstruct the government, in order to force themselves back into their former situations.*

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XXII.

1704.

An opposition formed.

Joined by
Queens-
berry's
friends.

xxxI. The primary object of this session, which opened July 6th, was to secure the protestant succession loudly demanded by the English, and for which the queen condescended to entreat. In the most soothing and maternal language she lamented the discontents which she had hitherto been unable to allay—which, as she had always been inclined to believe, did not proceed from any want of duty or disrespect to her person, but only from different opinions as to measures of government—she was resolved, for the full contentment of her people, to grant whatever could in reason be demanded for rectifying of abuses and quelling the minds of her good subjects. She had, therefore, empowered her commissioner to give unquestionable proofs of her resolution to maintain the government both in church and state as by law established, and to consent to such laws as should be found wanting for the further security of both, and preventing all encroachments on the same for the future. "Thus, having done our part," she adds, "we are persuaded you will not fail to do yours, and show to the world the sincerity of your professions; the main thing we recommend to you, and which we recommend with all the

Views of
the opposition
then

* Athol's Memorial, 1703. Lockhart.

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1704.

earnestness we are capable of, is the settling of the succession in the protestant line, as that which is absolutely necessary for your own peace and happiness, as well as our quiet and security in all our dominions, for the reputation of our affairs abroad, and the strengthening the protestant interest every where. As to terms and conditions of government, with regard to the successor, we have empowered our commissioner to give the royal assent to whatever can in reason be demanded, and is in our power to grant for securing the sovereignty and liberties of that of our ancient kingdom." And after reminding them that the funds provided for the support of the army were exhausted, she concluded by advising unanimity and moderation.

Views of
the opposi-
tion.

xxxii. The commissioner and chancellor recapitulated and enlarged on the topics of the letter; and if the objects of the united opposition had been what they avowed, the honour and independence of the country and their emancipation from English influence—as far as statutes could have emancipated them—all was placed within their reach; and under nominal subjection to the same protestant king as England, the estates might have exercised the supreme power, nominated every public officer, disposed of every pension, and maintained peace and declared war; at least they had an opportunity of making the trial. But it was neither the honour, the independence, nor the interest of the country, that the adherents of the forfeited family sought; it was the return of the Stuarts, and the revelry of despotism that they wished, and they cared as little about limitations now, as they did at the restoration. They would have been glad to have had them back upon any terms, that they might have been themselves re-seated in power, and wreaked their vengeance upon their enemies; they assiduously circulated too, that Anne's inclinations were in favour of her brother, and as it was natural to believe she would prefer her father's son to a stranger, a considerable number of the politicians of the day adopted and acted upon that supposition. In corroboration, an unhappy figure of speech made use of by Cromarty, when affirming the queen's sincerity in her professions, that her secret corresponded with her revealed will, was immediately seized by the jacobites as conveying a mean-

ing directly opposite to that which he intended, and the revealed will of the queen became a proverbial expression of ridicule for the protestant succession.

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xxxiii. To prevent the nomination of a successor with the limitations they themselves had desired, Hamilton, without notice, tabled a resolution, "that the parliament should not proceed to the nomination of a successor until a commercial treaty with England were first settled." Government, taken unawares by this new proposition, met it by a proposition calculated to divide those who desired an attainable object from those who aimed at overthrowing the government. Rothes presented a resolution, that the parliament would proceed, in the first place, to the consideration of such conditions of government as might be proper to rectify the constitution, and secure the sovereignty and independency of the kingdom, and then they would take into consideration the resolution "anent trade," previous to the nomination of a successor to the crown; hoping, during the debates respecting the limitations, to convince the friends of their country that the former resolution was premature, and only intended as a blind to occasion confusion. Had the question been merely about limiting the power of the prince, the ministry must inevitably have carried it, but "Trade and Commerce," the bubble of the hour, enabled the jacobites to assume an appearance of patriotism, and a warm debate was closed by sir James Falconer, [lord Phisdo] who observed, "He was glad to see such an emulation in that house upon account of the nation's interest and security, and he thought both the resolutions so good, that it would be a pity to separate them." They were, therefore, put together and voted, and so highly were the populace delighted with the decision, that they cheered the members of the opposition as they came out, and conveyed the duke of Hamilton from the parliament close to Holyroodhouse, with their usual boisterous expressions of satisfaction.

Resolutions for a commercial treaty with England,

and the security of government,

passed.

xxxiv. Instead, however, of carrying their votes into effect, when it was proposed to name their own commissioners for treating with England, lord Belhaven diverged from the subject, and, in a long oration, entered into a detail of the plot. He was followed by Fletcher, who said he was sorry the

Proceedings on the "Scotch plot."

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Address of
the lords
voted an
encroach-
ment on
their hon-
our, &c.Act of se-
curity rati-
fied—asup-
ply granted.

debate had been interrupted, but since the plot and proceedings of the English house of lords had been introduced, he was of opinion the house could not pass it without observation. Their presuming to judge of what they termed a "Scotch conspiracy," was an encroachment upon the freedom of the nation, and the greatest step that ever was made towards asserting England's dominion over the Scottish crown. He hoped they would show a proper resentment; and for that purpose craved a resolution to be read, "That the house of lords' address to the queen, in relation to the nomination of her successor to the Scottish crown, and their examination of the plot, so far as it regarded Scotland and Scottishmen, was an undue intermeddling in their concerns, and an encroachment upon the honour, sovereignty, and independency of the nation: but that the proceedings of the house of commons were like those of good subjects and good neighbours." The first section of the resolution, which was strongly contested, was adopted, but the other was omitted as being beneath the dignity of a Scottish parliament to return thanks to any foreign legislature for not invading their liberty and rights.

xxxv. When the supply was mentioned, the act of security was revived, respecting which also the ministers had no instructions. But the necessities of the state were imperious; the funds were exhausted, the pay of the army was in arrears, and, from unacquaintedness with the nature of large money transactions, the finances had got into confusion. While the nation was alarmed with rumours of invasion, it was dangerous to disband, yet it was impossible to pay the troops; reference, therefore, was made to England, and the commissioner was relieved from his dilemma; the royal sanction was given to the act of security, and the estates granted a six months cess.*

* Scott. Acts, vol. xi. Lockhart's Papers, vol. i. p. 99, *et seq.* Fletcher's Polit. Works. Stuart Papers. M'Pherson, vol. i. p. 669. Burnet, vol. v. p. 226. Reflections on the Affairs of Scotland, Lond. 1704. Tracts on the Union, Bib. Edin. Acad. et Facult.—Mr. Laing supposes that the queen's English advisers recommended the act from a refined policy of alarming the English into a union by the dread of a separation between the two crowns; and he is certainly supported by sir J. Clark's notes on Lockhart; but I should

xxxvi. The nomination of the commissioners was afterwards occasionally resumed, but Hamilton and Athol would not consent that Queensberry and Seafield should be of the number, and their party never again had it in their power to command a majority. The jacobites shunned and suspected Hamilton, whom they openly, among themselves, accused of aspiring to the crown, while he, swayed by a more rational personal interest, relaxed his communication with St. Germain, and not unfrequently supported the measures of the queen.

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Hamilton
wavering—
his policy.

xxxvii. They then proceeded to examine the committee's report upon public accounts with an exemplary minuteness, and found, what might probably be found even in our own more regularly docketed papers, "some hundreth pounds paid for services done; but the commission could not come to the knowledge what these were;" "provisions instructed by a particular account, but many articles in the said account overcharged;" "several sums of cess and excise resting which was never carried to any subsequent account;" "omissions of fractions in accountant's statements;" the latter amounted, in one instance, to four hundred pounds, in another, thirteen hundred, and in a third, two thousand four hundred pounds, "still resting;"—these were the candle-ends and cheese-parings of other days; and "certain subsidies not applied according to the design for which they were granted."* The notorious defaulters were ordered to be prosecuted, and I find that two, at least, of the tax gatherers, were ordered to be imprisoned till they found security to the amount of the deficiencies charged against them.†

Examina-
tion of the
public ac-
counts.

An address to the queen, complaining of not having been furnished with the documents respecting the "Scotch plot," and deprecating any farther interference of the English house of lords in their affairs, as the surest method of ob-

Address to
the queen
on the
Scottish
plot.

rather suppose they were so hedged in that there was no avoiding it. I do not like resorting to refined policy, for a reason, when an obvious and fully as good a one comes to hand without seeking.—Hist. of Scotland, vol. iv. p. 316.

* Minutes of Parl. Scottish Act, vol. xi. ; appendix, p. 60.

† Report of the Commission for Auditing Public Accounts. Scottish Acts, vol. xi. p. 153, 158, 161, 170, *et seq.*

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Act of security creates an alarm in England.

1705.

Proceedings of the house of lords on the subject.

structing their agreeing with her majesty's recommendation, ended the session 28th August.*

xxxviii. Whether intended or not, the proceedings of this meeting tended materially to forward the union. The jacobites were extravagant in their exultation at their supposed victories, but the presbyterians perceived their aim, and were inclined rather to sacrifice a little to the court than put the protestant succession to hazard, by continuing their unnatural alliance. The country party were captivated with the prospect of obtaining a share in the plantation trade of England, and every thing seemed to smooth the way in Scotland for promoting the desirable object, when two occurrences threatened to blast the promising appearances, but in fact hastened the consummation. Excepting their statesmen, the English in general were much more intent upon the adventures of Charles of Sweden and the campaigns of the duke of Marlborough, than the affairs of Scotland; but no sooner were they apprised of the passing of the act of security, than they were roused from their profound indifference, and their alarm became as foolishly extravagant. The separation of the kingdoms, an alliance with France, and an immediate invasion, were looked upon as certain. Exaggerated reports of vast quantities of arms brought over from the continent were industriously spread; and as the Scots were unable to purchase, the crisis was compared to that of 1638, when the policy of Richlieu furnished them with the means of successful resistance.†

xxxix. Lord Haversham introduced the subject into the house of peers. He styled the act of security a bill of exclusion, and called their lordships' attention particularly to the clause for arming the fencibles; asked what might they not dread from a poor, hardy, and disciplined population, led by a brave and discontented nobility? and warned them to beware how they treated lightly so threatening a commencement. Alarmed at the picture of intestine commotion,

* Among the laudable acts of this session was the securing the salaries of the five lords of the justiciary upon the customs. They were 12000 lib. Scots each, or L.1000 sterling per annum.

† Carstairs's State Papers, p. 720. Burnet, vol. v. p. 234, *et seq.*

and the probabilities of a disputed succession, their lordships voted that the queen be empowered to name commissioners to treat for an union, provided the estates of Scotland should previously appoint commissioners on their part; but if they should neither accede to a treaty, nor adopt the Hanovarian succession within a year, all Scottishmen, except such as were settled in England, Ireland, or the plantations, or were engaged in the land or sea service, were declared aliens. The importation of their cattle or linen was prohibited, the exportation of arms or horses to Scotland was forbid, and the cruisers of England were authorized to interrupt all trade between Scotland and powers at war with their neighbour. An address was at the same time presented to her majesty, representing, that the safety of the kingdom required that Newcastle, Tynemouth, Berwick, Carlisle, and Hull, should be put in a posture of defence; that the militia of the four northern counties should be called out, and regular troops stationed for their protection there as well as in the north of Ireland.

Warlike
prepara-
tions.

XL. These warlike preparations, intended to awe, only irritated the Scots, and produced an almost universal repugnance to a measure proposed to be promoted by such means, and the statesmen who were supposed to have advised them became the objects of hatred and distrust; in consequence, the coalition ministry of Tweeddale gave way for the re-admission of Queensberry's friends into office. Queensberry himself, however, still obnoxious to accusation on account of the alleged fabrication of a conspiracy, which he only could not prove, durst not yet appear in Scotland at the head of the government; but John duke of Argyle, one of the handsomest men, the most graceful orator and bravest soldier of his time, now in the bloom and spring-day of life, began to make his appearance in the political world; the delight of the presbyterians, beloved for the father's sake, and the darling of a nation ever captivated by military fame, he was disliked by none but the rank jacobites, because he hated the Stuarts with hereditary hatred. He was therefore pitched upon as commissioner to attempt the arduous task of restoring friendly feelings between the two nations, and preparing the preliminary steps for a treaty.

Enrage the
Scots—
change of
ministry.

Duke of
Argyle ap-
pointed
commis-
sioner.

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Trial of
captain
Green, &c.
for piracy.Condemn-
ed.

XLI. What rendered his attempt still more difficult, was the other unfortunate circumstance alluded to. The Darien company had had one of their vessels, which was fitting out in the river Thames, seized by the English East India company, and as they had petitioned in vain for restitution or payment, an English vessel, the Worcester, captain Thomas Green, returning from the East Indies round the north of Scotland, was seized by way of reprisal, and carried to Burntisland in the Frith of Forth. While lying there, the sailors, quarrelling over their cups, let fall some unguarded expressions, which excited suspicion that in the course of their voyage they had been guilty of piracy and bloodshed. This prompted further inquiry; in prosecuting which, it came out that they had captured another of the Darien company's vessels in the East Indies, and murdered the captain and his whole crew. In consequence, captain Green and thirteen seamen were sent to trial. The proof that piracy and murder had been committed was direct by one witness, and corroborated by as strong circumstantial evidence as could well be adduced, afterwards confirmed by the confession of three of the culprits. In ordinary cases, the conviction of the criminals would have excited no surprise, because, respecting the commission of the crimes there appeared no reasonable cause to doubt, nor would their execution have excited much commiseration; what threw some dubiety over the matter, was the identity of the person said to have been murdered, as some affidavits were subsequently procured in England, in which it was asserted that captain Drummond had been seen in India alive after the period mentioned when his vessel was alleged to have been seized; but the fact of a vessel, with British colours, and manned by whites, having been captured, whose crew was murdered and her cargo plundered, remained unshaken. The accused were found guilty and condemned; but parties ran high, and the affair was taken up in a political point of view. Those who were anxious to promote the union, insisted that the proof was defective; those who were opposed to the measure, pronounced it irresistible.

XLII. Some circumstances connected with the case, which were deemed a visible interposition of providence to bring

murder to light, inlisted the mob on the side of the latter:— the vessel was not forced into the Frith by any storm; they remained there when there was no power to compel them; and they themselves were the instruments of detecting what no one could ever have charged them with. And when the privy council, who had respited, would have been induced to pardon the criminals; on the day appointed for execution, the populace, apprehensive that justice would not be performed, collected at the cross, and in the parliament square, and beset the doors of the council and the prison, demanding vengeance. As the lord chancellor retired, some one of the crowd called out that a reprieve had been granted; instantly his coach was surrounded and himself forced to alight, nor was he without difficulty saved from the hands of the rabble. Three of the unfortunate wretches, the captain, mate, and a sailor, were then brought forth and conducted, amid the execrations of the infuriated multitude, to Leith, where they were hanged upon a gibbet within sea-mark; yet such a fickle monster is a mob, that when their victims were beyond the reach of their commiseration, the spectators returned to the city regretting their own fury, and even pitying the men they had hurried to their fate.* The violence of a Scottish rabble was equalled by the indignation of an English populace, who, as they had no definite object to exercise their immediate vengeance upon, gave vent to their passion in virulent invectives against the whole Scottish nation. The government, it had been alleged, to inflame the Scots, would have pardoned the pirates because they were Scottishmen who were murdered; they would not have been hanged, replied the southern incendiaries, if they had not been Englishmen; and numberless hand-bills and small pamphlets—several of which are still preserved in the tracts respecting that period belonging both to the university and advocates' library—were issued by the respective parties to keep alive and increase the mutual irritation and aversion of the two nations.†

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1705.

Respited
by the
council.

Hanged.

Irritation of
both na-
tions on the
occasion.

XLIII. All who wished well to the best interests of the two

* The rest of the sailors were pardoned some time after.

† Arnot's Crim. Trials. Defoe's Hist. of the Union, page 80—82. Tracts on the Union.

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1705.

Parliament
—parties
in it.Argyle's
speech.

countries, saw that such fierce contentions, which were so assiduously kept alive by the enemies of the revolution settlement, naturally tended, and must have inevitably issued in the miseries of international hostilities; and therefore they looked eagerly forward to an incorporating union, as what alone could prevent an exterminating warfare more deadly than any that had ever raged since the desolations preceding Bannockburn.

XLIV. At the opening of the session of parliament, June 28, the members were divided into three distinct parties—the administration composed of the presbyterians and the retainers of Queensberry; the jacobites and a section of the country party; and the adherents of Tweeddale, comprising part of the presbyterians and the late courtiers who received or assumed the name of the *Squadroné Volanté*—the flying squadron—who affected to join neither, but to be guided entirely by the love of country, but whose weight generally carried the question on the side to which they inclined. The commissioner opened the business of parliament in a speech distinguished for an elegance and ease unknown to our Scottish official performances. “My lords and gentlemen:—her majesty has, in her most gracious letter, expressed so much tenderness and affection towards this nation, in assuring you that she will maintain the government as established by law both in church and state, and acquainting you that she has been pleased to give me full power to pass such acts as may be for the good of the nation, that were it not purely to comply with custom, I might be silent. Her majesty has had under her consideration the present circumstances of this kingdom, and out of her extreme concern for its welfare, has been graciously pleased to recommend to you two expedients, to prevent the ruin which does but too plainly threaten us. In the first place, your settling the succession in the protestant line, as what is absolutely and immediately necessary to secure our peace, and cool those heats which have with great industry, and too much success, been fomented among us, and effectually disappoint the designs of all our enemies. In the second place, treating with England, which you yourselves have shown so great an inclination for, that it is not to be supposed it can meet with any opposition. The small part

of our funds which were appropriated at our last meeting for the army are now at an end. I believe every body is satisfied how great use our frigates have been to our trade, and it is fit to acquaint you that our forts are ruinous, and our magazines empty; therefore, I do not suppose but your wisdom will direct you to provide suitable supplies. My lords and gentlemen, I am most sensible of the difficulties that attend this post, and the loss I am at by my want of experience in affairs; but I shall endeavour to make it up by my zeal and firmness in serving her majesty, and the great regard I shall have for whatever may be for the good of my country." Immediately the marquis of Annandale proposed that the parliament should go into the consideration of such limitations and conditions of government as should be judged proper for the next successor in the protestant line; and at the same time a committee should be named to inquire into the condition of the coin of the nation, and the state of its export and import trade. Parliament decided that the state of coin and trade should have the preference; the immediate pressure arising from a scarcity of coin and stoppage of the bank of Scotland, concurring with political motives to enforce it.

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1705.

Inquiry into the state of the currency, &c.

XLV. As early as 1693 Dr. Chamberlain sought to introduce to Scotland his scheme of a land bank; and after it had failed in England, he modified and presented it in another shape to this parliament; they received it with attention, and sent it to a committee, where it was lost. Law—afterwards more famous as the projector of the Mississippi scheme—also offered to the estates a plan for removing the difficulties under which the country laboured with regard to its currency. He proposed that commissioners should be appointed to act under the control of parliament, with power to issue notes, in the way of loan, at ordinary interest, upon landed security, the debt not to exceed half, or two-thirds, the value of the land; to give out the full price of land in notes, and to enter into possession thereof by wadset; or to give out in notes the full price of the land upon sale irredeemable, which notes being declared legal tenders by the legislature, and thus secured upon landed property, he endeavoured to persuade our forefathers would be equal in

Various plans for improving it.

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XXII.1705.
Rejected.

value to the quantity of gold or silver money of which they would be the representatives; but, although supported by the duke of Argyle and the Squadron, this plan was rejected, from a dread that it would bring all the estates of the kingdom to be held in mortgage under the government; and after a full debate, "it was agreed that the forcing any paper credit by an act of parliament was unfit for the nation." It was then proposed to raise the value of the current specie, which was also rejected as inexpedient, and an order substituted to inquire how far English milled money, ducatoons, and other foreign coins, might be lowered; a subject which appears to have greatly puzzled the political economists of Scotland, who had not yet made the important discovery, that reducing the price of gold and silver was really the same thing as raising the value of the currency itself—the question was referred to a bullion committee who never gave in a report.*

Debates
respecting
the succe-
sion.Act for a
union pre-
sented.

XLVI. Intermingled with the subjects of trade, the more important political motions respecting the succession of the crown and the union of the kingdoms, were alternately discussed. The duke of Hamilton, very early in the session, re-introduced his resolution that the parliament should not proceed to the nomination of a successor till a previous commercial treaty were concluded with England, and the religion, liberty and independence of the nation secured, by proper limitations on the crown. Tweeddale proposed the draught of an answer to the queen's letter, pledging themselves to choose the same successor with England, provided the requisite limitations were granted; a proposal which left the squadron in a solitary minority, the jacobites detesting any restrictions, the government party now anxious to promote a union in preference. Next day, when the draught of an act for a treaty of union with England presented by the earl of Mar was read, the duke of Hamilton met him by a motion to proceed to the limitations, intending by a prospective policy to load the succession as heavily as possible, in case they should fail in obstructing the conclusion of the

* Acts of the Scottish Parliament, vol. xi. Law on Money and Trade Report of the Committee on Dr. Chamberlain's Plan—printed by authority, Wood's Life of Law, 12mo.

union, and the nomination of the House of Hanover. The squadron and country party who were averse to the union, supported the limitations, and in consequence several acts were passed which never were called into exercise. One provided, that after her majesty's decease the officers of state, privy councillors, and judges, were to be appointed by the king, with the advice and consent of parliament. Another for a triennial parliament was brought in, and the then present parliament was not to continue longer than the succeeding August, nor were collectors or farmers of the customs or excise to be allowed to be returned as members; and it was to be a sufficient objection against any member, that he was concerned, directly or indirectly, with collecting the revenue, to remove him from his place and vote in parliament. The court party were for fixing the commencement of this bill's operation at the queen's death; it passed to commence within three years, but never received the touch of the sceptre.

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Act re-
specting of-
ficers of
state, &c.For pre-
venting re-
venue col-
lectors, &c.
sitting in
parliament.

XLVII. Fletcher of Saltoun alone dissented from all the propositions; while the king of Scotland was king of England, and had no residence in the country, he would have left him or his ministers, no power which might have shaped an interest separate from his people, nor would he have left to the estates the power of continuing their own authority. His plan was, annual parliaments, to sit and adjourn at pleasure, to choose their own presidents, and to vote by ballot: that for every nobleman created by the king, a new commissioner should be added for the barons; that the king should, as a matter of course, ratify every act passed by the estates: should not have the power of peace or war without their consent, and that no general indemnity should be valid without the sanction of parliament—a stipulation necessary he said to deter the ministers of state from presuming to give the sovereign bad advice, or doing any thing contrary to law. When justifying this article, he replied with a biting sarcasm to the earl of Stair, who had keenly opposed it, “it was no wonder his lordship was against it, for had there been such an act, he had long e'er now been hanged for the advice he gave to king James, the murder of Glenco, and his conduct since the revolution.” The judges

Fletcher of
Saltoun's
proposi-
tions.His reply
to earl of
Stair.

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he proposed excluding from seats in parliament, and to secure the constitution, he would have armed and trained the people.*

Act empowering commissioners to treat for a union—restrictions imposed on them.

XLVIII. These various debates were preliminary to the grand trial of strength on the question of the treaty. The temper and disposition of the house clearly evincing that no other method remained for attaining the succession, the earl of Mar revived the subject, and the consideration of an act and commission for a treaty with the kingdom of England was resumed. It empowered commissioners to meet and treat with the English commissioners, but restricted them from treating of any alteration of the government, worship, or discipline of the church as by law established and provided that no matter or thing to be treated of, proposed, or agreed by the commissioners, should be of any strength or effect whatsoever, until first confirmed and established by authority and an act of the Scottish parliament; the power of the nomination was left blank. The English act had allowed the queen to nominate the English commissioners, but they had also dictated that the same mode should be adopted by Scotland.

Fletcher proposes an address condemning the English parliament.

XLIX. Ever alive to the honour of his country, Fletcher spurned the idea of a Scottish parliament allowing themselves to be dictated to, and moved that an address should be presented to the queen “representing that the act lately passed in the parliament of England, containing a proposal for a treaty of union of the two kingdoms, was made in such injurious terms to the honour and interest of their nation, that they who represented the kingdom in parliament could in no ways comply with it; which they the more regretted because it had that session been recommended by the royal letter. But out of the great sense of duty they owed her majesty, they declared they would be always ready to comply with any proposal from the parliament of England whenever it should be made in liberal terms, neither dishonourable nor disadvantageous to the nation.” The house did not enter fully into the indignant feelings of the patriot; and when the act was read, evinced a strong desire that the

It is coolly received.

* Fletcher's Political Works. Lockhart's Memoirs.

treaty should not be interrupted by any retaliatory violence on their part; a calmness which Lockhart can only account for on the supposition of more weighty arguments than it was advisable to produce to parliament, having been urged upon some of the members in private.

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L. But the measure was in general popular; and even those who did not wish it to succeed, having themselves proposed, were constrained to support it. The jacobites, therefore, endeavoured to clog the commission with such restrictions as should retard their proceedings, or prevent their success; and the duke of Hamilton proposed to be added as a clause, "that the union to be treated on should noways derogate from any fundamental laws, ancient privileges, offices, rights, liberties, or dignities of the nation."

Clause proposed by
Hamilton.

LI. Upon a similar clause former treaties had been broken off; and it would at the threshold have prevented the present, whose first article went to derogate from the independent dignity of the nation, and the next entirely to subvert her ancient constitution. But in opposing it, the court party durst not avow the fact, and their arguments for rejecting it were;—that as Scotland and England were under the same sovereign, who acted as mediator between them, and as the English parliament had given the most ample powers to their commissioners, a contrary conduct on the part of the Scottish would betray an unbecoming jealousy of her majesty, and might altogether prevent the treaty; for it was not to be supposed that the English would treat with men whose powers were insufficient—nor could there be any hazard in granting these, seeing that no agreement of theirs would take effect until it had the approbation of the parliaments of both kingdoms; and thus they would have it in their power to accede to, or reject, what their commissioners had agreed on. The others who were equally afraid to disclose, that their secret motives were to obstruct the union they pretended to advocate, replied—that Scotland and England being under one sovereign was the very reason which rendered the restrictions necessary, as bitter experience had taught them that English influence and English councils, regardless of the interest or honour of Scotland, were the sources of all their complaints; nor did it in-

Arguments of the court party for rejecting it.

Of their opponents for its adoption.

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It is re-
jected.Athol's
clause re-
quiring an
apology
from the
English
parliamentalso re-
jected.

fer distrust of the queen to prevent their own commissioners from tampering with what was too sacred to be touched—the sovereignty, independency, and freedom of the nation. Without consulting with them, the English had restricted their commissioners from treating on any alteration in their church government:—but whether that had been the case or not, they were a free independent nation, and had power to lay what restrictions they chose on their commissioners; and the same express words had been inserted in the act of treaty in the reign of James VI. to whom they had given no offence, nor had they been objected to by the then parliament of England. Had the restriction been carried, the court party would have given up the contest, of which they had almost despaired; but by the absence of some of the jacobites—who considered the victory certain—and the defection of the earl of Aberdeen, the clause was rejected by a plurality of two votes.

LII. Cruelly disappointed, Athol brought forward, in substance, as a rider to the act, what Fletcher had been unable to carry as an address:—a refusal to enter into any negotiation about the union till the affront offered the Scots were apologized for; and proposed that the commissioners should not leave the kingdom until the English parliament had repealed the act declaring the Scots aliens. The jacobites urged it with all their strength, hoping that the pride of the English would never consent to such a proposal; but the ministry, while they professed their high sense of national honour, were unwilling to introduce disputable points into the bill, and thought it would be equally dignified to inform her majesty of the only obstacle to the completion of her desire. A majority were satisfied with the arrangement, and this clause also was lost.

LIII. But the debate had been protracted till a late hour; and a number of the members had retired—particularly the cavaliers, whose usual practice it was to celebrate their triumphs, or seek consolation for their defeats in convivial pleasures—never imagining that the house would have proceeded to any other business that night; when, to the utter amazement of those who remained, the duke of Hamilton, gained, by a fallacious promise from the ministry, that he

should be on the commission, arose, and addressing himself to the chancellor, moved that the nomination of the commissioners for the treaty should be left wholly to the queen. The last hopes of the country-party and jacobites had been placed upon this question; if their friends were admitted of the number—which would have been the case had they been nominated by parliament—they could easily have contrived to prolong the discussion, to thwart and to wear out their opponents, and finally defeat the object; but to leave them to be named by the queen, was to leave them to be named by the English ministry, and to give up every thing. No sooner did they hear this proposed, and proposed too by the duke of Hamilton, than a number of the opposition, instead of remaining to try and counteract the mischief, ran out of the house in rage and despair, exclaiming they were betrayed. A majority was thus left, but so small [only eight] that without the inconsiderate conduct of the passionate deserters, the power of nomination would have been carried in favour of the parliament. Those who remained were loud and fiery, and retorted upon the duke of Hamilton the arguments he himself had furnished. “Leave the nomination to the queen!” they cried—“to a prisoner in England! No! the estates in a case not very different, that of James I. had acted otherwise. The queen knows none of us but as introduced by her English ministry; and are they as well qualified to judge of the fitness or ability of Scottish commissioners as a Scottish parliament?” The only reply to these interrogations, was by clamorously insisting upon having the sense of the house—and the vote decided it, and with it the whole act: but a formidable protest was entered by Athol, to whom adhered twenty-one noblemen, thirty-three barons, and eight commissioners for the boroughs.

LIV. Thus was that most important act obtained; and it would be difficult to say, whether it was carried, more through the good management of the ministry, or the irregular ill-conducted measures of their opponents. The supply, and a few unimportant acts, concluded the session, and on the twenty-first of September the parliament was prorogued. Argyle returned to court with the honour of hav-

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1705.

Hamilton
proposes
the appoint-
ment of the
commis-
sioners to
be left to
the queen.The oppo-
sition rash-
ly leave the
house.The clause
carried—
Athol pro-
tests.Parliament
prorogued.

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1705.

Annandale
removed—
Mar ap-
pointed se-
cretary.

ing achieved an arduous task, scarcely to have been anticipated from his years and inexperience ; but which, perhaps, the untainted freshness and bloom of his political youth, unhackneyed in party, was better fitted to accomplish than a more aged statesman, whose every action would have excited suspicion, and kept the watchfulness of the opposition constantly and unremittingly alive. Annandale whose versatility was unaccountable, being suspected of corresponding with the squadron, was removed from the secretaryship, and Mar, at that time zealous both for the union and the protestant succession, was appointed to his office.

Whigs have
the ascen-
dency in the
English
parliament.

Acts ob-
noxious to
Scotland
repealed.

1706.
Commis-
sioners ap-
pointed.

LV. Together with the new secretary, the chief members of government—all professed whigs—followed, or accompanied the commissioner to London, to prepare for carrying into effect without delay, the negotiations for the treaty now approved of by both parliaments. The English ministry had also experienced a considerable change. The splendour of Marlborough's victories, that dazzled the multitude, shed a reflected lustre on the whigs, by whom the war had been uniformly supported ; and the parliament being dissolved, the new elections which ran entirely in their favour, obtained for them a complete ascendancy in the house of commons, and secured their power in the cabinet. At their head stood lord Godolphin, by whose advice the queen was understood to have given her assent to the Act of Security, and he therefore successfully endeavoured, in the new parliament, to procure a repeal of the obnoxious acts—declaring the Scots aliens, and obstructing their trade—to which it had given rise. The whigs too who had originally supported these enactments, became the most zealous for their removal ; notwithstanding the sarcasms of the tories, who while advocating the extremest measures of the whigs, accused them of inconsistency, because they retraced steps which experience had shown them to be wrong,—an inconsistency unhappily not common among politicians.

LVI. Every obstruction to commencing the treaty being thus removed, the queen [March 1706] appointed thirty-one commissioners for each kingdom, to meet in London. Argyle and Queensberry, who directed her choice, artfully intermixed the different parties, that the sanction of their

friends in parliament might be secured to the articles upon which they might previously agree. One professed jacobite alone (Lockhart) was admitted, and he, from his connexion with lord Wharton, was considered as accessible; but before he accepted, he consulted his friends, who advised him to attend and act the part of a privileged spy, in order to obtain what might afterwards be useful in opposing the design; and from him we learn the entire subserviency of the Scottish commissioners to the views of the English cabinet, the cause of that manifest inequality in the representation which reduced Scotland to a province of the empire.*

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* The following were the commissioners for Scotland:—James, earl of Seafield, lord chancellor; James, duke of Queensberry, lord privy seal; John, earl of Mar, secretary of state; Hugh, earl of Loudoun, do.; John, earl of Sutherland; James, earl of Morton; David, earl of Wemyss; David, earl of Leven; John, earl of Stair; Archibald, earl of Roseberry; David, earl of Glasgow, treasurer-depute; lord Archibald Campbell, brother-german to the duke of Argyle; Thomas, lord viscount Duplin; William, lord Ross, one of the commissioners of the treasury; sir Hugh Dalrymple, lord president of session; Adam Cockburn of Ormeston, lord-justice clerk; sir Robert Dundas of Arniston, one of the senators of the college of justice; Mr. Robert Stewart of Tillicultrie, one of the senators of the college of justice; Mr. Francis Montgomery, one of the commissioners of treasury; sir David Dalrymple, solicitor; sir Alexander Ogilvie of Forglen, general-receiver; sir Patrick Johnston, lord provost of Edinburgh; sir James Smollet of Bonhill; George Lockhart of Carnwath; William Morison of Prestongrange; Alexander Grant, younger of that ilk; William Seton, younger of Pitmedden; John Clerk, younger of Pennicuik; Hugh Montgomery, late provost of Glasgow; Daniel Stewart, brother-german to the laird of Castlemilk; Daniel Campbell of Ardentennie.

The duke of Argyle refused to be one; he had promised to Hamilton that he should be named, and when he found the objections of his grace insuperable, he honourably himself declined the office.

England.—Thomas, archbishop of Canterbury; William Cooper, Esq. lord keeper; John archbishop of York; Sidney, lord Godolphin, high treasurer; Thomas, earl of Pembroke and Montgomery, lord president of council; John, duke of Newcastle, lord P. S.; William, duke of Devonshire, steward of the household; Charles, duke of Somerset, master of horse; Charles, duke of Bolton; Charles, earl of Sunderland; Evelin, earl of Kingston; Charles, earl of Carlisle; Edward, earl of Oxford; Charles, lord viscount Townsend; Thomas, lord Wharton; Ralph, lord Grey; John, lord Powlet; John, lord Sommers; Charles, lord Hallifax; John Smith, Esq. speaker of the house of commons; William, marquis of Hartington; John, marquis of Granby; sir Charles Hedges, knight, secretary of state; Robert Harley, Esq. do.; Henry Baill,

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Views of
both parties
in concluding the Union.

LVII. The immediate views of the parties in this great national work were evidently to secure to themselves and their friends the chief offices and government of the state; the English ministers, by ensuring besides the popularity of the measure, the accession of supporters from Scotland, who would look to them for preferment; and the Scottish to destroy the opposition of the country-party, and maintain themselves in office by means of their English allies. Among them it would be difficult to point out any one almost, actuated by untainted patriotism; but so seldom do motives of public utility alone influence even the purest characters, that it would be expecting too much to find it actuating the venal statesmen of that day—it was well that a fortunate coincidence of individual advantage with the welfare of the country, for once regulated the commissioners, in promoting the essential and chief good which an union was calculated to produce, by rendering it incorporating and indissoluble.

Commissioners meet.

Article 1st.
for an incorporating union.

LVIII. They met at the Cockpit, April sixteenth, and continued in discussion till the twenty-third of July. The first proposal was made by the English—the same as that which had been formerly agreed on—“that the two kingdoms of England and Scotland be for ever united into one kingdom, by the name of Britain, be represented in the same parliament, and that the succession to the monarchy of the united kingdom of Great Britain be, according to an act passed in the English parliament, in the 12th and 13th year of the reign of the late king William, for the further limitation of the crown, and the better securing the rights and liberties of the subject.” The Scots, prepared to acquiesce, requested yet the decency of a short delay, because they knew the general inclination of their countrymen was for a federal union, and, from deference to their opinion, proposed—that the succession should be the same as in England; that the subjects of Scotland and England should reciprocally enjoy

chancellor, and under secretary of exchequer; sir John Holt, knight, chief justice of the court of queen's bench; sir Thomas Trevor, knight, chief justice of the court of common pleas; sir Edward Northey, attorney general; sir Symon Harcourt, knight, solicitor general; sir John Cook, doctor of laws, advocate general; Stephen Waller, doctor of laws.

the same privileges in both kingdoms, that there should be a free communication of trade between the two kingdoms and the plantations; but at the same time desired their lord chancellor to intimate, that by making this proposal they did not reject that of an entire union. The English commissioners declined entering into the consideration of what was already decided, and the Scottish, after adding a clause that there should be a reciprocal communication of the rights of citizens and of a free trade, assented to an entire and incorporating union.

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Agreed to.

LIX. An equality of privileges required an equality of burdens; but the difficulty was how to proportion these, where the one party was a wealthy and commercial people, embarrassed with a large debt, and the other a poor nation without trade, but without incumbrance. Upon investigation it was found, that the national debt of England amounted to—not one half of the annual taxes now raised; but what then seemed an enormous sum—nearly twenty millions; to meet this there was an yearly income of upwards of five millions, which, managed with frugality, promised to annihilate it in a few years: the Scottish revenue did not amount to more than between one hundred and twenty and one hundred and thirty thousand pounds, but it was free. If the trade in England was great, the taxes were heavy; while the commerce of Scotland, if insignificant, was almost wholly exempt from customs or excise. The English commissioners, in adhering to the first principle of the treaty, insisted upon an equality of customs, excise, and all other taxes throughout the whole united kingdom, as that, without which the union of the kingdoms could not be entire:—but the Scottish objected, that as their revenue could not be charged with the English debt, the country ought to be exempted from some duties which they could by no means bear.

Discussion
respecting
the public
burdens.Difficulties
on this
head.

LX. There were only two ways in which this could be adjusted, upon the principles of equity which regulate mercantile copartnerships; either that each kingdom should pay off their own respective debts, and bring in their several proportions of stock clear of all incumbrances, or, putting the general account of debts and stock together, the English should, in some other manner, provide for relieving the Scots from

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Compromised for
an equivalent.

an unequal pressure; the latter was considered the most expedient; they therefore adopted, as general maxims, a scale of proportions for equalizing the burdens, and an equivalent to be given in cases where inequalities were unavoidable.

Land-tax.

LXI. The land-tax was subject to a particular arrangement. The rents of England and Scotland had been valued during the time of Cromwell, but since then the real rent of England had increased, while that of Scotland had declined, or remained nearly stationary; and while the payments of the former were made in money, those of the latter were paid in kind. The lands in England were let upon leases, and those in Scotland from year to year, by which means the English rents were rising and certain, while the rents of Scotland were fluctuating and liable to risk, so that the same numerical equality of tax would have been highly oppressive to the latter kingdom;—four shillings of land-tax in Scotland, would have amounted to one-fifth of the rack-rent, and the same imposition in England would, in some cases, scarcely have been above one-twentieth part. A proportional equality was therefore adopted; when the land-tax in England was at four shillings a pound, or amounted to the sum of one million nine hundred and ninety seven thousand and sixty-three pounds, eight shillings and fourpence halfpenny, the proportion was fixed at eight monthly assessments, or forty-eight thousand pounds, the highest subsidy that had ever been granted.

Customs
and excise.

LXII. In equalizing the customs and excise, considerable difficulty occurred, because in some cases, from their magnitude, which the Scottish commissioners contended the people were unable to pay, although an equivalent were allowed to balance the national account, yet this would not compensate the loss to individuals or particular trades, or enable the consumer to pay the increased price for the article. The English were tenacious of their general argument, that unless the taxes were the same, the country where living was cheapest would undersell, and materially injure the other; and as an open uninterrupted commerce by land would be the immediate consequence of the union, the English market would be deluged with imported goods, and their own merchants ousted in their most valuable articles. Exemption from the duties upon stamps, coals, win-

dows, births, marriages, and burials, was conceded to the Scots, and the hackney coachman's act was passed over as entirely inapplicable to Scotland! The malt and salt taxes occasioned much dispute, their value being so different in the two kingdoms, and the duty being charged not *ad valorem*, but according to the measure and weight—a quantity worth three shillings in Scotland would be charged sixteen shillings and fourpence, while a quantity in England of ten shillings and sixpence price would not be taxed more. As these were chiefly articles of home consumpt, the Scottish commissioners demanded a perpetual exemption, but were persuaded to accept a temporary suspension, in the faith that a British parliament would never be so forgetful of their duty, as guardians of the whole, as to impose a burdensome or impracticable tax on one portion of the united monarchy.

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Malt and
salt taxes
temporally
arranged.

LXIII. Having agreed to an equality of customs and excise upon all exciseable liquors, and to the same regulations of trade throughout the whole united kingdom, it followed of course that the laws for the regulation of trade, customs, and excise, should be the same in Scotland as in England, after the union; and that there should be a court of exchequer there for deciding questions concerning the revenues of customs and excise, with the same powers as the court of exchequer in England. The courts of session and justiciary were preserved entire, as were all the other courts then in being within the kingdom of Scotland, subject, however, to such regulations as should be made by the parliament of Great Britain. Heritable offices, and hereditary jurisdictions were reserved to the owners as right of property; and the privileges of the royal burroughs were carefully provided for. But the privy council was referred to the queen, to remain till the British parliament should think fit to alter or abolish it.

Court of
Exchequer
extended to
Scotland.Other
courts and
heritable
offices to
remain.

LXIV. How to arrange the proportion of members for the two nations in the united parliament was a matter of not less delicacy than importance. The number of commissioners in the Scottish estates were one hundred and sixty—the nobles one hundred and forty-five; the commons in the

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Represent-
ation in
parliament.Proposal of
the Eng-
lish.Objections
of the
Scottish.

English parliament were five hundred and thirteen, the peers one hundred and eighty-five, and the principal difficulty lay in framing a scheme which would prove acceptable to those whose numbers it would be necessary to diminish. The disproportion between the nobility and representatives in their own legislature, was not greater than the disproportion which the Scottish would have had in the grand councils of the empire, if their whole parliament had been conjoined with the English; they had split about the integrity of their parliament in the reign of the 2d Charles, and at this conference, never had any idea of reviving so extravagant a claim; but when the English commissioners proposed that thirty-eight members should form their full representation in the British house of commons, they loudly expressed their indignant surprise. Hitherto their debates had been conducted in writing, under the pretence of preventing any national animosity: now the Scottish commissioners, after four days private discussion among themselves, demanded a free conference upon this point. The only precedent to which reference could be had was one not very agreeable to the Scots—the union during the protectorate. In the scheme of that united legislature, the proportions had been calculated upon the amount of taxes; Scotland was valued at six thousand pounds per month, while England paid seventy thousand, the representation of the former therefore was fixed at a thirteenth of the latter,—and when the members were chosen for Oliver's house of commons, the English had four hundred, the Scottish thirty. This model—which, although not mentioned, had evidently been followed by the English commissioners—was rejected by the others. They would not allow that wealth alone should form the basis of representation, but contended on the soundest principles, that population as well as wealth should be estimated; and enforced it by the argument, that, it was not the money but the nerve of a nation that defended her in the hour of danger. The inhabitants of Scotland were a sixth part of the population of the island; every shire and every burgh had been represented in their own estates; and when an ancient independent nation consented to unite with a more powerful

neighbour, every consideration of dignity and honour demanded that her voice in the common senate should be heard, and not, on national questions, be mingled with, or lost in the superior votes of a single English county. The English replied, that to form a distinct party in the legislature would destroy the effects of the union, and that the deliberations of all the members of a general council should always be for the general good; but they admitted the principle the Scots had advanced, though, by a dexterous application, they did not greatly extend the number of Scottish representatives. Sixty was the number the Scottish commissioners were desirous of obtaining;—but the English proposed forty-five—ever after held by the jacobites as an ominous number—and the Scots, as upon that other important subject, the equalization of taxes, yielded, from the servile dread of breaking up the treaty: affording a specimen of what resistance was to be expected from their future representatives, when forming a pitiful minority in a British house of commons. The peers were selected in proportion to the commons, and—sixteen—a twelfth were allotted as the quota of the Scottish temporal lords in the upper chamber.

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Reply of
the English.

Decision.

LXV. The specious promises of some leading merchants in London to erect manufactories in Scotland, and establish companies for prosecuting the fisheries, and even the fears the English merchants expressed, that when the kingdoms were united, the cheapness of subsistence would induce their artizans to emigrate north, were employed to induce the commissioners to assent to the various articles of the treaty, so favourable to the English in trade and representation; but it is difficult to conceive how men who boasted of the pride of birth and rank, could consent to forego their hereditary places in the highest council of the nation for the paltry bribe of a few pounds; for although they were to enjoy the other privileges of British peers, they lost the proudest distinction of a Scottish noble, while the meanest English baron retained his. It is true, the allurements of being created British peers was held out to the most influential, and all might expect that they or their posterity

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would be admitted to the same privilege; but the Equivalent, which was expected to be the most convincing argument with the Scottish parliament, was not without its weight with their commissioners, who, besides, were to a man the minions of the court, or the expectants of office; nor is it possible, even at this day, to reflect without indignation on their bartering away the only opportunity which Scottishmen ever possessed of obtaining for their country, if not a full, fair, representation, yet an equitable proportion in the British legislature.*

Amount
fixed for the
Equivalent.

LXVI. Meanwhile the calculation of the Equivalent had been going forward in a committee, and the sum of three hundred and ninety-eight thousand and eighty-five pounds, ten shillings, was reported as what would be requisite to compensate for the proportion of customs and excise in Scotland, so far as these were appropriated to the payment of the national debt. A show of debate was played off on a question whether the sum should be paid in annual instalments, or immediately on the union being ratified; but it was short. The idea of repaying a debt out of the produce of their own taxes could not be listened to; and besides, the money was immediately wanted to discharge the arrears due in Scotland, to purchase the capital stock of the Darien company, and to make good the deficiency or loss which would be occasioned by raising the coin to the English standard. Whatever increase of revenue should arise from the additional taxes imposed in consequence of the union, was appropriated for seven years to popular purposes—the encouragement of manufactures, the establishment of fisheries and other national improvements. Beneath these patriotic assignments, however, the enemies of the union discovered “a swinging bribe to buy off the Scottish members of parliament from their duty to their country,” and incessantly repeated that the Equivalent was only a fallacious loan, which the nation would shortly be obliged to refund

Suspicious
as to its ap-
plication.

* Lockhart avers he had good reason to affirm that the English would have allowed a much greater number of representatives, and abatement of taxes, if the Scots had stood firm. Papers, vol. i. p. 156; and although greatly warped by party, his general veracity may be depended on.

with accumulated interest. The remainder of the articles did not admit of dispute; the same weights and measures were to be adopted—a change, however, the inconvenience and loss of which to the consumer, was left to our own more enlightened age to encounter—the same arms on the flags and banners, and the same seal for public transactions. The laws respecting private rights remained untouched, and the religious establishments were never introduced. When finished, the whole was engrossed, and prepared to be submitted, to the respective parliaments. During the discussions, her majesty had occasionally repaired in person to the progress; and on the 23d of July, the commissioners presented to her majesty a copy signed and sealed, which she received most graciously, and professed that she should always look upon it as a particular happiness, if this union were accomplished in her reign.

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The deed
of union
presented
to the
queen.

LXVII. Eager and sanguine, the jacobites had continued to exaggerate their strength, and solicit the aid of France; but Louis, who had so often been deceived, seemed unwilling to listen to their entreaties, till the successes of the confederated arms rendered him willing to enter into any project which might find occupation for the British troops at home. To satisfy himself, however, of the truth of their statements, Mr. Hooke, formerly chaplain to the duke of Monmouth, but then a colonel in the French service, was despatched to Scotland with letters under his own sign-manual and from the pretender, to the duke of Hamilton, the earl of Errol, the earl Marischal, and the earl of Home, exhorting them to appear in defence of distressed royalty, and promising to assist his dearly beloved ancient allies, in restoring their rightful monarch to his throne. Hooke arrived in Edinburgh in the month of August, 1705, but was little calculated for so important a trust. He was intrepid and enterprising, but vain and haughty, rash and inconsiderate; and in a mission that required the utmost circumspection, he offended the more powerful and cautious of the cavaliers, by attaching himself chiefly to the most desperate, and disgusted the whole by proposing, at a promiscuous meeting of the jacobites and country party, that they should own the pretender's interest, and move his restora-

Hooke's
mission to
Scotland.He disgusts
the jaco-
bites by his
rashness.

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They send
Straton to
France.

His failure.

tion in plain parliament.* He returned to France with general assurances; but so soon as it was ascertained that the union had been agreed upon, captain Henry Straton set sail from Leith as their accredited agent, to ascertain the real disposition of the court of Versailles. Louis received him with assurances of his high regard for Scotland, but the battles of Ramillies and Turin had disconcerted all their measures; neither men nor money could be spared, and Straton returned with promises from the French king, that he would seize the first favourable conjuncture for effectually supporting the cause of the exiled family, and letters from the pretender to the leaders of his party applauding their loyalty.

The jacobites left
alone—
alarmed.

LXVIII. Left thus to their own resources, the partizans of Stuarts attempted a junction with any party, and every party alternately, by which they thought they could obstruct the union. At first, when it was known that a treaty had been concluded by the commissioners, the Scots were inclined to view it favourably, for the articles had been carefully concealed, while general rumours had been assiduously spread that they were highly honourable and advantageous. The jacobites alone were alarmed; they had received, through Lockhart, a true statement of the case, and saw, in the settlement of the succession, the ruin of their hopes, and in the union of the kingdoms, the result of their own intrigues. They had refused to settle the crown with any limitations till a commercial treaty were first obtained from England; and they had, by the act of security, rendered it impossible that the treaty could be other than an incorporating union.

Last session of parliament.

LXIX. Curiosity, patriotism, or faction, filled Edinburgh with an unprecedented number of inquiring, anxious, and dangerous visitors when the Scottish parliament sat down for the last time on the 13th of October—a season which accidentally or intentionally was happily chosen; for the unusually severe tempests, which almost unceasingly howled without—emble-

* "In Pat. Steel's—the place where they rendezvoused to concert their measures every day before the parliament met." Steel kept a tavern, and this cabal was usually called Peter Steel's parliament. Lockhart, vol. i. p. 148. Carstairs, p. 567.

matical of the conflicting storms that raged within—prevented the estates from being broken up by a misguided population, who, but for the frowning interposition of the heavens, would have flocked to the capital, torn asunder the treaty, and involved the nation in irremediable mischief.*

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LXX. Queensberry, peculiarly adapted by his suavity of manner, yet firmness of purpose, for managing the unruly passions of conflicting parties, was re-appointed to the difficult and unenviable honour of commissioner; and to him was confided the delicate charge of carrying the union through. The advantages of an entire union, as a solid foundation of lasting peace—as a security for religion, liberty, and property—as a means for removing the animosities and jealousies of the two kingdoms—as a source of increasing wealth and trade, and rendering the whole island happy at home and formidable abroad, the support of the protestant interest, and the bulwark of freedom in Europe—were recommended by the queen, and enforced by the commissioner. The chancellor Seafield expatiated upon the favourable conjuncture for concluding so noble a work, which the queen, notwithstanding the splendour by which her throne was surrounded, had declared she would esteem the greatest glory of her reign. The English parliament had shown their anxiety to promote it, and victory, which had everywhere followed her arms, to those of her allies, gave promise of a near and advantageous peace, by which they would at once be put in possession of the full enjoyment of all the liberties and privileges of trade now offered by the treaty. The articles agreed upon were then brought in and read, and together with the minutes of the proceeding of the commissioners, ordered to be printed, and the house adjourned for a few days.

Queens-
berry com-
missioner.

Royal let-
ter on the
union.

Articles or-
dered to be
printed—
parliament
adjourns.

LXXI. Till now, the people had rested satisfied with the vague ideas of advantage which every party had concurred

* As a relic of the times, I copy the following advertisement from the Edinburgh Gazette.—“For the better beholding the noble solemnity of riding, the parliament seats will be erected in the East India Coffee-house, a little above the cross, on the north side of the street, opposite to the entry to the parliament closs, when any ladies, gentlemen, or others, may be accommodated at easy rates, either for themselves or families, provided they come in time to the master of the said coffee-house.”

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They excite universal indignation.

in holding out as consequent upon a treaty with England; they had imagined a federal alliance, and the examples of Switzerland and the Dutch States had been talked of; but few or none among them seem ever to have dreamed of divesting themselves of their national independence, or transferring their parliament to another kingdom. When therefore the articles were made public, they excited one spontaneous burst of indignation throughout the land; the pride, the prejudice, and the fears of the nation, all declared against an incorporating union. It became instantly the universal subject of conversation, and innumerable pamphlets and handbills, diffused over the kingdom, warnings, advices, memorials, remarks, satires, and considerations. The "treaters" were denominated "traitors," who had surrendered the constitution of their country, and subjected her to her constant and implacable enemies; the dignity of an ancient kingdom was represented depressed in the dust, as if she who had so bravely defended her liberty for so many centuries was now incapable of daring the combat, and possessed no child to die for her honour. The ministers trembled for the safety of the ark; and in submitting to a parliament, of which lords spiritual formed a constituent part, they not only perceived an abandonment of principle, but a probability of danger to their church establishment; the episcopalian dissenters despaired of the restoration of theirs, if presbytery were confirmed by an union, and the Cameronians foresaw in it, the consummation of that mystery of iniquity which had been working in a degenerate kirk ever since the revolution. The poor were terrified with the apprehension of enormous taxes upon native productions, the merchants, alarmed by rumours of imposts upon foreign commerce; an unprofitable traffic with England was put in the balance with the ruin of all intercourse with France, and a share in the colonial trade was treated as a chimera for which the Scottish nation had no capital, and from which they were debarred, by the charters of previous English companies.

LXXII. These arguments were well adapted to the popular humour. A treatise too by one Hodges* against the union,

* A mercenary political writer of that day, who had been rewarded by the preceding session of parliament. He adapted himself to the prejudices of the

stating two and thirty interests which it was impossible to reconcile, published about this time, assiduously circulated by the members of opposition, and greedily perused by high and low, young and old, presbyterian and episcopalian, confounded and amazed the people. The darkest and most gloomy side of every question was depicted in the deepest tints, and all the forebodings of those to whom the nation had been accustomed to look up in the day of distress, were equally cloudy. In the midst of the gathering storm, hired incendiaries were dispersed over the land, to inflame the minds of the lower ranks, till various districts of the country became so intensely ignited, that, instead of two or three partial explosions, it was marvellous the whole did not burst into one universal combustion.

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LXXIII. When parliament resumed, the articles were again read, and all the records relating to former treaties ordered to be laid on the table. Before they proceeded to discuss them, a delay was called for by the opposition, in order to consult with their constituents, without particular instructions from whom they affirmed no parliament could legally innovate upon the constitution. The whigs dared not deny one of their own fundamental principles, but they evaded it. They alleged that as the commissions of the members empowered them to do every thing for the good of the country ; and as the parliament had been summoned on purpose to consider the basis of a union, they were fully entitled to enter into the consideration of whatever was connected with it, and to conclude whatever appeared to them the most expedient. It was replied, their commissions could never give a liberty to destroy what they were granted to secure, to dispose of what could never, in the very nature of things, be supposed placed at their disposal, without special instructions—the rights of the whole electors of the kingdom, the rights to which they owed their own existence. When the parliament was chosen, a union was never contemplated ; and therefore to obtain a legal right, it would be necessary for them to be sent back to their country, and return with

Parliament
resumed.Proposal
to appeal
to their con-
stituents.

people, and his rights of Scotland were read with an avidity equal to that with which the "Rights of Man" were sought after in later times.

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Parliament
decide to
go on.

full powers and proper instructions; and, besides, the honour of the commissioners themselves, demanded that the treaty should be ratified by a new parliament chosen for the purpose, fresh from their constituents, and not by one of so long standing, liable to the imputation of being corrupted by pensions, places, bribes, or preferment. It has been justly remarked, "in representative assemblies the responsibility or obligation of the members to observe the instructions of their constituents is an odious doctrine,"* and after a warm dispute, the country party could only obtain, that none of the articles should be approved of till the whole were considered; but the vote to proceed was carried by a majority of sixty-four. Some of the cavaliers then proposed a fast—a proposal so ludicrously opposite to all their propensities, that their sudden religious profession could scarcely escape the gibes of their own party.

Proceed-
ings of
commis-
sion of as-
sembly.

LXXIV. A meeting of the commission of the general assembly had been summoned to watch over the interests of the church during the sitting of the estates, and there a motion was made, in graver mood, for a public fast. The commission was split into the same parties with the parliament, only, as no jacobites would deign to be ruling elders, they regretted, when too late, their total want of influence, and railed against the presbyters, "as an ill affected, pernicious, rebellious crew;" but several of the country party were members, and many of the ministers were conscientiously opposed to the union; yet knowing as they did the opportunity it gave to the disaffected or ill-informed, to introduce into their pulpits, at so critical a season, questions the most delicate; and the danger, in the agitated state of the country, which even good but indiscreet men might occasion, a public fast was overruled; a day however was set apart on which the ministers should fast by themselves, and implore the blessing of Heaven on the deliberations of the great council of the nation in that most momentous crisis. An attempt to procure from the commission a protest against the union's being concluded till the assembly were consulted, proved also abortive; but an address and petition was presented, earnestly

* Laing, vol. iv. p. 354.

supplicating parliament to establish and confirm the true protestant religion, and to secure, in the most effectual and unalterable manner, the national establishment, as settled by the acts ratifying the Confession of Faith and the presbyterian church-government. The parliament in return declared that, before finally settling the union, they would do every thing necessary for the security of religion—an answer by some of the dissentients not deemed altogether satisfactory; and their party reinforced, renewed the proposals for a day of humiliation. Still, however, the more moderate prevailed, and without any national fast, presbyterial fasts were recommended, and one was held in Edinburgh with great solemnity and outward decorum, on the 22d of October, at which the commissioner, great officers of state, and a number of that party, assisted. To the great disappointment of those who expected political harangues, all notice of the topic was avoided by the ministers, except by praying in the words of the act, “that all the determinations of the estates in parliament with respect to an union with England, might be influenced and directed by divine wisdom, to the glory of God, the good of religion, and particularly of the church of Scotland.”

LXXV. Matters were, however, pushing to extremities with more success among the populace. From the first day of meeting the doors of the parliament house had been surrounded, and the close filled by the crowd, eager to catch every rumour of what was going forward within. On learning that the first article had not been voted; without inquiring farther, they gave loose to the most immoderate exultation; but the minutes of the proceedings being regularly printed, the delusion did not last long, and the disappointment was expressed by exclamations of insult and abuse on those who were known to favour, and loud cheering on such as were supposed to be unfriendly to the union. As the discussions proceeded these popular marks of approbation or disgust became more vehement and annoying; the duke of Hamilton was escorted by immense bodies of young gentlemen, students and apprentices, encouraged and led on by others of higher rank, every day as he was carried in his chair from the parliament house to his residence in

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Petition
parliament.Recom-
mend pres-
byterial
fasts.Conduct of
the mobtowards
duke of
Hamilton,

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And the
commis-
sioner.

the Abbey. His grace the commissioner was, on the other hand, greeted in a very different style, by a mob attired in all the insignia of tattered blackguardism, but headed by directors of no mean description; and although his chariot proceeded at a pretty smart pace—accompanied by exclamations of—no union! no English slavery! no traitors!—the windows were not unfrequently smashed, or his attendants wounded by ruder compliments.

Queens-
berry's for-
bearance.

LXXVI. Queensberry's cool forbearance had been exercised to a degree that had brought suspicion on his courage; he however persevered, nor, exposed as he was, to every species of insult and outrage, did he call in the assistance of the military for his personal protection. The premature excesses of the Edinburgh mob,* afforded him an opportunity of doing so for securing the public peace, nor did he neglect it. The debates during the reading of the articles had increased in warmth till they reached the eighteenth, stipulating that, after the union, Scotland should, with England, be subjected to the same laws for regulating their customs and excise. The opposition insisted that the Scots should not subject themselves to duties of any sort, till it was known what these duties were, and reflected severely upon the treaters for agreeing to impose upon the country taxes which they did not understand, and could not afford to pay.

Increased
violence of
the mob.

LXXVII. Confused reports of the speeches reached the mob, already sufficiently disposed to receive improper impressions, and the duke of Hamilton, on that evening, instead of proceeding to the Abbey as usual, unfortunately turning off to Athol's lodgings in the Lawn-Market, they accompanied him thither with loud hazzaing; but no sooner had they seen his grace safely deposited, than they directed their attention to sir Patrick Johnstone, their late provost, one of the treaters, who lived in the neighbourhood. His windows being rather high for their artillery, they assaulted his door, luckily three stories from the ground, with sticks, stones,

* Lockhart laments this rising; for falling out before the nation was equally informed of the state of affairs, and equally inflamed with resentment, it was the easier dissipated, and discouraged others from making any attempts for the future." Mem. p. 164.

and sledge-hammers. While the battery was going forward, sir Patrick's lady, almost frantic with terror, cried out from the window for God-sake to call the guard;—about thirty of whom, headed by captain Richardson, forced their way through the crowd—took possession of the staircase—rescued the representative—and made six prisoners. But the rabble continuing every moment to increase, the guard rested content with the honour they had gained, without seeking to improve the victory, while they, enraged at losing their prey, took vengeance on the panes of the most obnoxious members, and paraded the streets, beating drums, and alarming the lieges, till past midnight, when the commissioner being informed that a large reinforcement, with a

The commissioner calls in the military.

LXXVIII. To prevent a recurrence of similar disorders, regular guards were mounted at the Weighhouse, Parliament Square, and Netherbow Port, besides a battalion which did duty at the palace, the horse guards that attended his grace, and the garrison in the castle. Next day the privy council met, and ordered the guards to be continued, and issued a proclamation against tumultuous proceedings; ordaining, according to the good old custom and law, the magistrates of Edinburgh, to call all the deacons of the crafts, masters of their incorporations, and all other householders and inhabitants, and oblige them for the good behaviour of their apprentices, servants, and domestics, likewise the regents and masters of the college, and enjoin them strictly, that for hereafter they keep their scholars in good order, and be careful of their quiet and peaceable behaviour.

Measures for keeping the peace of the city.

LXXIX. The commissioners' promptitude had quieted the city without bloodshed; but when the chancellor acquainted the house with what had been done, and a vote of thanks and approval was proposed, the earl of Errol, hereditary lord high constable, protested against continuing soldiers within the town of Edinburgh during the sitting of parliament, the sole protecting of which he claimed in virtue of

Errol protests against continuing the military.

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Commis-
sioner
thanked.Opposition
desire fur-
ther delay.Petitions
against the
Union pre-
sented.

his office,* and as an infringement of his right—as an encroachment on the privileges of parliament—and on the particular rights of the city of Edinburgh. Annandale inveighed against the introduction of troops, as an attempt to intimidate and overawe their deliberations. A majority, however, concurred in thanking the commissioner for what he had done, and recommending to the privy council to continue their care. As is ever the case, this unsuccessful tumult strengthened the hands of government, and the opposition who united in condemning such outrages, resorted to the more constitutional mode of addressing.† After the whole articles had been gone through and debated as they were read, on the first of November the parliament commenced to consider them, each article separately, for the purpose of final approval. A further delay was now asked, that the sentiments of the parliament of England might be known, and that the members who deemed it necessary, might have time to consult with their constituents; and when this was refused they presented petitions from the counties of Mid-Lothian, Linlithgow, and Perth, against the union.

LXXX. Whatever methods were used to procure, the fact is certain, that from almost every county and burgh in Scotland petitions poured in, accredited by the signatures of almost every man in the country, unconnected with government, who could write his name; they were in general re-

* The lord high constable had the sole privilege of commanding and placing guard round the parliament house; by the old constitution of Scotland, the earl marischal, as marshal of Scotland, had the sole control within: and the magistrates of Edinburgh had the entire command of the soldiery in the city, or of admitting them. Protest. Acts, Scot. Parl. Art. vol. xi. p. 411.

† In furiously denying, Lockhart strongly confirms de Foe's statement—"I know very well," says the laird of Carnwath, "that that vile monster and wretch, Daniel de Foe, and other mercenary tools and trumpeters of rebellion, have often asserted that these addresses, and other instances of the nation's aversion to the union, proceeded from the false glosses and underhand dealings of those that opposed it in parliament, whereby the meaner sort were deluded." "I shall not deny but perhaps this measure of addressing had its first original as they report; but it is absolutely false to say that any sinister means were used to bring in subscribers," &c. I apprehend it would be somewhat difficult to say what those means are which a partizan in the heat of his zeal would allow to be called "sinister."

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spectfully but earnestly written, and never perhaps was any measure so unanimously opposed, as that which was destined to be the greatest blessing to the island. The mode generally adopted was framed in Edinburgh, and was to this effect. "To his grace her majesty's high commissioner, and the right honourable the estates of parliament—humbly sheweth, that we under subscribing have seen the articles of the union agreed upon by the commissioners nominated in behalf of England, in which they have agreed that Scotland and England shall be united in one kingdom, and that the united kingdom shall be represented in the same parliament; and seeing it does evidently appear to us that such an incorporating union as contained in these articles is contrary to the honour, fundamental laws and constitutions of the kingdom, claim of right, and rights and privileges of the barons and freeholders, and boroughs of this kingdom and church, as by laws established, and that the same is destructive to the true interest of the nation;—therefore we humbly beseech your grace, and honourable estates, and do confidently expect that you will not allow of any such incorporating union, but that you will support and preserve entire the sovereignty and independency of this crown and kingdom, and the rights and privileges of parliament, which have been so resolutely maintained by our heroic ancestors for the space of above two thousand years, that the same may be transmitted to succeeding generations, as they have been conveyed to us. And we will heartily concur with you for supporting and maintaining our sovereignty and independency and church government with our lives and fortunes, conform to the established laws of the nation."

Their general tenor.

LXXXI. Guardedly as they were worded, opposition was made to their being tabled as seditious, nor was it consented to till sir James Foulis of Collington, hinted, that if not received from the hands of the members intrusted with them, he had no doubt but the subscribers would come and own them at the door of the house, and crave liberty to deliver them themselves, a threat which was almost exemplified from the west. At Glasgow, the provost, from a common but unjustifiable fear of offending the higher powers, by present-

Opposition to their being tabled removed.

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Riot in
Glasgow.Debate up-
on the trea-
ty.First arti-
cle.

ing disagreeable or harsh tokens of public feeling, refused to comply with the desires of the people, and while they were ruminating upon his refusal, one of their ministers, in a week day sermon, descanting from a text in Ezra, "And I proclaimed a fast at the river Ahava, that we might afflict ourselves before our God, to seek of him a right way for us, and for our little ones, and for all our substance," concluded by telling his hearers, "addresses would not do, and prayers would not do, there must be other methods; it is true prayer is a duty, but we must not rest there; wherefore, up and be valiant for the city of our God." As soon as the congregation was dismissed, the drums beat in the back streets, and a mob collected in a state of high irritation, and resolved on an address. Next day the deacons waited on the provost, but he positively declined, and received a retort, not unusual upon such occasions, had his windows broken and his house rifled. Unable to resist the torrent of public opinion, he fled to Edinburgh; but the deacons, and other magistrates, complied with the request, and he was followed to the metropolis by a petition subscribed by a majority of the most respectable inhabitants.*

LXXXII. Aware of the danger of delay, the minority urged the consideration and adoption of the articles which the opposition strenuously attempted to stop, by starting objections in every possible shape. Some were for beginning with the communication of trade, others for the security of the church; then it was proposed that the grounds of the treaty should be discussed before voting that the measure would be agreed to, lest having concluded that there should be a union, they might chance to differ when they came to the stipulations. It was finally agreed to take the first article of union into consideration, with this proviso, that if the other articles were not adjusted by the parliament, their approving of the first should be of no effect, but if approved of they would then proceed to an act for the security of the church. Against an incorporating union it was stated as an insurmountable obstacle in the threshold, that it stood opposed to the claim of right. The letter which accompa-

* De Foe's Hist. 269.

nied that deed from the convention parliament to king William, expressing their hope, “that as both kingdoms, were united under one head and sovereign, so they might become one body politic, one nation, to be represented in one parliament, afforded an unanswerable reply, and the first article was read.*

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LXXXIII. Seton of Pitmidden opened the debate. In plain, perspicuous, and convincing language he pointed out the difficulties attendant on a federal, and the advantages likely to result from an incorporating union; “Where two kingdoms having different interests are subject to the same sovereign, the nearer,” he observed, “these are the one to the other, the greater jealousy and irritation will exist betwixt them; and the greater the disparity of power and riches, the greater influence will the more powerful have on the sovereign, who is of necessity obliged to prefer the councils and interest of the stronger to the weaker; nor will this cease under whatever terms he hold his crown, nor can the disadvantages of the weaker be remedied by any other alliance than that of an entire union which will render the interest of the nations the same. Supposing a federal league entered into, where is the guarantee for the observance of the articles when the interests interfere? or where is the probability that England would communicate their privileges of trade unless the two nations were incorporated? And in a state of separation from England, which the same succession, with the proposed limitations would be, where could Scotland expect to carry on an advantageous traffic? Would Holland suffer them to improve their fisheries? Would England encourage their linen, cattle, or coals? Could their superior merchandize compete in the markets of Poland or Germany? Could they force commerce with

Seton of
Pitmidden's
speech in
favour of it.

* The speeches of the principal debaters upon the great questions appear to have been previously written, as such of them as were printed, and which are to be found among the tracts of the day, were printed by the speakers themselves. It was after those who opened the debate, usually one on each side, had ended, that the tumultuating and fiery coruscations of Scottish eloquence blazed and shook the senate; of this little is preserved, but the arguments for and against the various questions, remain embodied in the protests of the different parties recorded in the minutes of the Scottish parliaments, from which I have abridged them.

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India, or conquer colonies in America? With France only could they expect an alliance, and supposing it concluded upon the ancient terms, and allowing that it ensured the subjugation of England, would the conqueror remain in Scotland? Is it not more probable that he would choose his residence in the south, and after all the blood and treasure wasted for an imaginary good that the poor country would settle lower than before. Now, if limitations on the successor can be of no use, if separation would bring little good, and if federal compacts possess insuperable difficulties, if victory itself would be ruin, what remains?—Either a debasing connexion, such as we have been cursed with for these hundred years past, where under one sovereign we have had our independence eclipsed, our nobility increased, our commons oppressed, our parliament influenced, our laws neglected, our peace destroyed by faction, and our poverty insulted by luxury; or a cordial agreement, where we shall participate in the glory and share in the riches of an illustrious and wealthy nation, who invites and entreats us to an incorporating union.” He therefore moved, that the article should be approved.

Lord Belhaven's
speech opposing it.

LXXXIV. Lord Belhaven rose;—without entering into the argument, he addressed himself to the feelings of his auditors: “When I consider this affair of an union,” said his lordship, “my mind is crowded with a variety of melancholy thoughts, and I must disburden myself before this honourable house. Methinks I see a free and independent kingdom delivering up that which the world has ever been fighting for, and for which all the states of Europe are at this moment contending—the power to manage their own affairs by themselves without the assistance or control of any other. I think I see a national church founded upon a rock, hedged and fenced by the strictest legal sanctions sovereignty could contrive, descending into a plain and equal level with Jews, papists, socinians, anabaptists, quakers, and independents. I see the noble peerage of Scotland, whose valiant predecessors led and supported armies, divested of their followers, and placed upon a footing with their vassals, an English exciseman receiving more homage than their proudest chieftain. I see the present peers, whose ancestors ex-

acted tribute through England, now walking in the court of requests, like so many attornies, laying aside their walking swords when in company with the English peers, lest, provoked by their insolence, self-defence should be found murder. I see the honourable estate of barons, the bold assertors of our liberties in the worst of times, setting a watch upon their lips, and a guard upon their tongues, to avoid the penalties of unknown laws. I see the royal estate of burrows bowed down under disappointments, walking their desolate streets, wormed out of the branches of their former trade, and debarred by the companies and prescriptions of their unkind neighbours from seeking a new. I see our learned judges gravelled with certioraries, writs of error, injunctions, and demurs; our gallant soldiery sent to the plantations abroad or begging at home. I see the honest industrious tradesman loaded with new laws and impositions, disappointed of the equivalent, eating his saltless porridge, and drinking his water instead of ale. I see the incurable difficulties of the landed gentry, fettered under the golden chain of equivalents, their daughters petitioning for want of husbands, and their sons for want of employment. But above all, I see our ancient mother Caledonia, like Cæsar sitting in the midst of our senate, ruefully looking around, covering herself with her royal garment, attending the fatal blow, and breathing out her last with a '*et tu quoque mi fili,*' and thou too my son!

"My lord—The greatest honour that was done to a Roman was to allow him a triumph; yet a whip was hung upon his chariot, to tell him he was accountable, and a slave attended to whisper in his ear that he was mortal;—the most dishonourable punishment was that of a parricide: his naked body was beaten with rods till the blood started from every vein; he was then sewed in a leathern sack, with a cock, a viper, and an ape, and thrown into the sea. Patricide is a greater crime than parricide. His grace, the duke of Queensberry, has attained the highest honour of the state as her majesty's commissioner; and I cannot but commend his constancy, that, notwithstanding his former unsuccessful attempts, he has yet had the resolution to undertake the most unpopular measure last. If

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he succeed in this affair of an union, and it prove for the welfare and the happiness of the country, let his grace have a statue of gold—he will justly merit it; but if it shall tend to the utter destruction and abolition of our nation, and if we, the nation's trustees, shall go into it, then, I must say, that the whip and the cock, the viper and the ape, will be slender punishments for such an audacious undertaking, and such unnatural complaisance. But shall we, whose predecessors founded our monarchy, and framed our constitution, and transmitted, with the hazard of their lives, through so many successive generations, its laws entire to us a free and independent kingdom—shall we be silent when our country is in danger, or betray what our progenitors have so dearly purchased? God forbid! I have no fear but, from our parties, that kind of aristocracy that, like the Roman triumvirate, would partition our offices, and, to serve themselves, promise to make our queen the most glorious in Europe; but they must have their own instruments—let us crush this cockatrice's egg, and all will yet go well.* The English are a great and glorious nation; their armies are everywhere victorious; their navy is the terror of Europe; their commerce encircles the habitable world, and their capital has become the emporium of the whole earth. It is otherwise with us, we are an obscure poor people, though formerly of better account, removed to a remote corner of the world, without alliances, and without a name, what hinders us then to lay aside our divisions, to unite cordially and heartily together when our all is at stake? The enemy is already at our gates—Han-

* Lord Belhaven thus defines the party names: "Whig, in Scotland, is a true-blue presbyterian, who, without considering time or power, will venture their all for the kirk, but something less for the state. The greatest difficulty is how to describe a Scots tory: Of old, when I first knew them, a tory was an honest-hearted comradish fellow, who, provided he were maintained and protected in his benefices, tithes, and dignities, by the state, he was the less anxious who had the management and government of the church; but now, what he is since jure-divinity came in fashion, and that christianity, and by consequence salvation, comes to depend upon episcopal ordination, I profess I know not what to make of him; only this I must say for him, that he endeavours to do by opposition that which his brother in England endeavours by a more prudent and less scrupulous method." Printed Speech, Edinb. 1706.

nibal is within our gates ! Hannibal is at the foot of the throne, which he will soon demolish, seize upon their regalia, and dismiss us, never to return to this house again ! An incorporating union I take to be, when there is a change both in the material and formal points of government, as when two pieces of metal are melted into one mass ; but when I consider this treaty, I see the English constitution remaining pure—the same houses of parliament, the same taxes, customs, and excise, the same trading companies, laws, and judicatures—while ours are subjected to new regulations, or entirely annihilated. And for what ? that we may have the honour to assist in paying their old debts, and presenting a few witnesses to attest the validity of the deed when they are pleased to contract more ! Good God ! is this an entire surrender ! My heart bursts with indignation and grief at the triumph which the English will obtain to-day over a fierce and warlike nation that has struggled to maintain its independence so long ! Should posterity ask who signed away our liberty—when they look at the names, they will say, our chieftains, who used to defend the rights of their country, must have fallen on the bed of honour—the Stewarts, Hamiltons, Gordons, Campbells, and Grahams, the high officers, the constable and marischal of Scotland—all, all must have been extinguished, and we are slaves for ever ! Therefore my particular opinion is, that though we had a carte-blanche from England, we should never consent to deliver up our sovereignty ; in treating there can be no security, without the guarantee of a distinct independency between the parties.”

LXXXV. The earl of Marchmont replied. He treated the gloomy anticipations of the noble lord as a terrible vision that floated before his bewildered imagination ; but when the beneficial effects of the union were felt, it would be said of him as of the perturbed sleeper when morning broke in upon him, Behold he dreamed ; but lo ! when he awoke he found it was a dream ! Fletcher remarked, that the honour and interest of the country had been betrayed by the commissioners ; and when required to explain, admitted the term was harsh, but he could find no other expression to convey the meaning ; the marquis of Annandale proposed as a reso-

Further de-
bate.

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Duke of
Hamilton's
speech a-
gainst it.

The first
article car-
ried.

Rumours of
the danger
of the
church.

Proceed-
ings of the
commis-
sion.

lution, that perceiving, since the articles were printed, the universal sense of the nation was against an incorporating union, they were willing to enter into such an union with their neighbours of England as should unite them entirely, and after the most strict manner, in the succession, war, alliances, and trade, only reserving the independency of their crown, the immunities of the kingdom, and the constitution and frame of the government in church and state. The duke of Hamilton powerfully supported him. "Shall we," exclaimed his grace, "yield in half an hour what our forefathers maintained with their lives and fortunes for ages? Are there here none of the descendants of those patriots who defended the liberty of their country against all invaders, who assisted Bruce to restore the constitution, revenge the falsehood of England, and the usurpation of Baliol? Where are the Douglasses and the Campbells? where are the peers and chieftains? where the barons, once the bulwark of the nation? Shall we yield up that independence which those we represent command us to preserve, and assure us of their assistance to support." But the sublime and pathetic eloquence of Belhaven, and the impassioned oratory of Hamilton, were exerted in vain. The first article was carried by a majority of thirty-three, and the opposition had only the consolation of recording their protest, and procuring that their names should be printed in the minutes.

LXXXVI. Equal, if not superior, in interest to the independence of the crown was the security of the church; and rumours of the dangers to which it was exposed were most assiduously propagated by the jacobites, who, with the greatest complacency, would have helped forward its destruction. A few honest "westland" ministers, whose zeal was fully a match for their prudence, brought from the country their fears to the commission; and but for the superior management of Wishart, the moderator, and Carstairs, who, from directing the politics of the state, had transferred his attention to those of the kirk, a breach would have been accomplished by their enemies between the highest civil and ecclesiastical authorities. They proposed vindicating their principles in a violent remonstrance, and some among them, who still clung to the remembrance of the covenants, wished

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to protest against the union, as incurring the guilt of their violation, and acknowledging a legislature where bishops were peers, as utterly inconsistent with their profession. After much and warm altercation, its asperities were smoothed down; the temporizers, however, were constrained to adopt a more decisive address than the former, and to concur in a representation to the estates respecting disabilities, from which the Scottish national church had a right to demand exemption, and in which nothing but a cowardly and selfish servility in their statesmen could ever have induced acquiescence. These were, the sacramental test, which, being the condition of access to places of trust, and to benefits from the crown, debarred all of the presbyterian communion from office, if not in Scotland, yet through all the rest of the dominions of Britain; and the burdening Scottishmen with oaths referring to English acts of parliament with which they might be unacquainted. They also—in the event of Scotland being subjected in its civil interests to a British parliament, wherein twenty-six prelates were to be constituent members and legislators—lest their silence should be construed to import their consent or approbation of the civil places or power of churchmen, expressly declared that it was contrary to their known principles and covenants, that any churchman should bear civil offices, or have power in the commonwealth. Against this, modified as it was, a protest was entered in the commission by the principal and several of the ruling elders, among whom it is unpleasant to perceive the names of Marchmont and Baillie of Jerviswood.

Represent-
ation
against the
sacramen-
tal test.Against
churchmen
bearing ci-
vil offices,
&c.

LXXXVII. The parliament evaded their most equitable demands, by proceeding, as soon as the first article of the union was disposed of, to an act for the security of the church; the former acts, confirming the Westminster Confession of Faith and the Presbyterian form of church government, were ratified anew and declared unalterable, and all others inconsistent with them for ever forbid to extend to the kingdom of Scotland. An obligation was to be introduced in the coronation oath, binding the successors of her majesty to observe these stipulations, which were ordered to be confirmed and inserted as a fundamental article in the treaty

Act for se-
curing the
church.

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Clause for
dispensing
with the
test refus-
ed.

Lord Bel-
haven pro-
tests.

2d Article
—the suc-
cession.

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liament.

of union. But when it was required that the sacramental test should either be dispensed with to Scottishmen in England, or that Englishmen, on being admitted to offices in Scotland, should acknowledge by subscription the authority of the presbyterian church, the clause was timidly refused, because the English would never consent to relinquish their tests;—an injurious confession of inequality, that justified the protest of lord Belhaven, who alleged that by this act the church of Scotland could have no real and solid security by any manner of union by which the claim of right was unhinged, the parliament incorporated, and the distinct sovereignty of the kingdom entirely abolished. The ministers were not satisfied with the act; they acquiesced to prevent schism in the church, and chose rather to yield a little to their old friends than coalesce with the jacobites, from whom they could expect no favour; but all attempts were fruitless, to procure from them any active exertions, or any decided approbation of the union.

LXXXVIII. An incorporating union and a separate succession were so naturally connected, that the second article admitted of little dispute. A motion was therefore made to retard its decision by Annandale, that the succession should be settled on the princess Sophia and her heirs the same as in England, with the limitations proposed by the Scottish parliament, and that an address, founded upon that decision, should be carried to her majesty; and the duke of Hamilton seized the opportunity to wipe away the aspersion that had been cast upon him, of aiming at the crown himself, by strenuously seconding Annandale's proposal.

LXXXIX. The incorporation of the two parliaments followed, and was also protested against as “contrair to the honour, interest, and fundamental laws and constitutions of the kingdom, as giving up the birthright of the peers, the privileges of the barons and burrows, ruinous to the liberty of the subject, and high treason against her majesty;” and it was not the least curious part of the debate, that the claim of right was strenuously urged and appealed to as of the highest authority by the jacobites. Seton replied, “I have heard asserted, that there are fundamentals of government which cannot be altered by this house, without the consent

of every Scottishman; but where were these stipulated—where were these recorded? Were they made by our forefathers at the first institution of their government, and have all succeeding parliaments sworn to their observance? These questions, methinks, deserve our consideration, before it be asserted what is an unalterable fundamental by this house; in fine, I believe there are no fundamentals of government in any nation which are not alterable by its supreme power, when the circumstances or times require; and whoever is acquainted with history may learn, that there are no people at present in Europe who, in different ages, have not suffered variety of changes in government. I do indeed acknowledge there are fundamentals in nature—liberty and property—which this house can never destroy, without exceeding its utmost bounds of power, that are always limited to the public good; nevertheless, this honourable house is only capable to judge of the most proper means of securing these fundamentals; and for my part I sincerely believe that no judicious man will say there is the least danger of our liberty and property by an union of parliaments, when he reflects that the people of England have been in all ages the noble assertors of the rights of the subject, have spent much blood and treasure in defence of the liberties of their neighbours, and that after this union, encroachments on the right of the subjects of any part of Great Britain must endanger the liberty of the whole.”

xc. However convincing these arguments may be, now that the time is gone by when Scottishmen felt a personal interest in the functions they were giving up, it is not easy to conceive how they could have been effectual in persuading a body of men to surrender their own power, nor can it be accounted for except by reverting to the secret inducements for which these arguments were specious apologies; nor is our wonder lessened, when, in examining the lists, we find so large a proportion of nobility supporting a measure by which their order was to suffer so severe a diminution in their influence. The squadron was the party which decided the fate of the treaty; they were declared enemies to the jacobites, and although more near-

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speech in
favour of it.

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Other arti-
cles dispos-
ed of.

ly connected in principle with the country party than the court, yet the country party had deserted them, and the government held out the flattering prospect of a share in power; but the timous distribution of twenty thousand pounds, transmitted from the English treasury, under the name of arrears, fixed their wavering politics, and the Equivalent most probably biassed a number who would have scorned an open bribe. The article was carried by a large majority, and a proposal for the parliament of Great Britain sitting in Scotland once in three years, was negatived without a vote. Those respecting trade, taxation, and jurisdiction, gave rise to little discussion, and what alterations were suggested were in favour of Scotland; bounties were granted on grain, and drawbacks allowed on salted beef, pork, and herrings. As the progress of the debate clearly evinced that the measure would be finally carried, Fletcher proposed that a national address should be presented to the queen, requesting her majesty to dismiss that parliament, and summon a new one, to express the real sentiments of the people; but Hamilton insisted that it should contain a clause expressive of their desire to settle the crown on the house of Hanover, which disgusted the jacobites, and disappointed the patriots; and to prevent the possibility of carrying any general measure of opposition, a proclamation was issued against illegal convocations.

The union
voted.

xci. So pitiful a share in the representation, as forty-five commons and sixteen peers it was thought would have stirred up all Scottishmen against the union; and upon the twenty-second article, the opposition believed if they could not procure a majority, they would have commanded a minority so powerful, that the treaty must have been broken up. But Hamilton, with an inconsistency for which there is no accounting, refused to present a protestation; and when that article was approved, the country party retired from the field in despair, and the parliament of Scotland voted, without further contest, the union of the kingdoms of Scotland and England into the empire of Great Britain.*

* It is asserted by Lockhart and confirmed by Clerk, that, if the address which was prepared had been presented, and the adherers to it seceded from parliament, as was proposed, the ministry would have given up the measure to which there was so strong and visible a reluctance.

THE HISTORY OF SCOTLAND

Book XXIII.

Anne.—Universal opposition to the Union.—The Causes.—Pensantry in Nithsdale protest against it.—Cunningham of Eskett's plot.—Proceedings of English Parliament.—Queen's speech on giving assent to the bill.—Scottish Parliament elect the Representatives in the first Parliament of Great Britain.—Arrangements for future elections.—Darien Company to be reimbursed out of the Equivalent.—Termination of the Scottish Parliament.—Scottish mercantile speculations.—Decision of House of Commons respecting them, rejected by the Lords.—Goods shipped from Scotland seized in the Thames.—English Revenue Officers introduced into Scotland.—Increase of smuggling.—The Union protested against at Edinburgh.—Disatisfaction at the payment of the Equivalent.—Jacobites celebrate the Pretender's birth-day.—General Assembly approve the Union.—Cameronians averse to it.—Another mission of Hooke's to Scotland.—View of the manners, &c. of the Highlanders.—Impolicy of the Pretender.—His declaration discourages his adherents.—Particulars of Hooke's mission.—Memorial of the Jacobites to Louis.—Hamilton disapproves of the memorial and of James' coming to Scotland.—First British Parliament.—Decision of the Commons respecting the detained goods.—Privy Council in Scotland annulled.—Jacobites urge James to come to Scotland.—Preparations to defeat his invasion.—His attempt unsuccessful.—Disaffected persons seized.—Death of Lord Belhaven.—Trials in Scotland.—General Assembly.—Parliament.—Their supplies astonish the Scottish members.—Question respecting the eligibility of eldest sons of Scottish peers to sit as commoners.—Of the right of Scottish, being British peers, to vote in the election of the Scottish Representative peers.—Mutual jealousy on mercantile questions.—Inquiry into the late invasion.—Act for assimilating High Treason in both countries.—Torture abolished.—Pamphlet against the Sacramental Test ordered to be burned.—General Assembly.—Institution of the Society for propagating Christian Knowledge in the Highlands and Islands.—Regulations respecting the poor's funds in Scotland.—Representation respecting the appointment of Fasts, &c.—1707—1709.

1. LOOKING down from the eminence on which we now stand, with all the advantages of time, and with a full view of the consequences before us, we wonder that an object of such evident utility, and productive of such important bene-

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on the op-
position to
the union.

fit to Scotland, as the union of the two kingdoms, should ever have encountered such virulent and unremitting opposition as attended its progress—should ever have been branded as a disgrace, or predicted as the ruin of the nation it was destined to raise from poverty to wealth, and from insignificance to an importance in the European family, which, without that conjunction, it could never have hoped to attain. But in order properly to understand this opposition, we must transport ourselves back to the days of our fathers, revive their prejudices, enter into their feelings, and recall their prospects and anticipations at the time when nine-tenths of the population of the land would have risen to prevent, or afterwards to break asunder a connexion, which the unanimous voice of their children would now pronounce it the greatest of their calamities, were it possible to dissolve.*

Causes of it
—the loss
of indepen-
dence.

II. National independence was the idol of our ancestors, and to it almost every other consideration was sacrificed. Unequivocally as they had been subdued by Cromwell, there were some alleviating circumstances that soothed the pride of the Scots in their humiliation, but exasperated their hatred against the English, whose superiority they at once

* Some strange fatality has attended the records of Scotland from first to last; and those respecting the secret intrigues which produced the union have shared in the common lot. Among the MSS. of lord Somers, which were destroyed by a fire in London, were a large collection of papers relative to the union. A more serious loss was an extensive collection of state papers and letters made by lord Seafield, which, together with his memoirs of his own times, were consumed in his own house adjacent to the Abbey, several years after the union took place; and lord Mar's papers respecting the union and the rebellion, 1715, were likewise destroyed. Nor did the records of the church escape from similar calamity. In the great fire, 1700, and in another in the Lawnmarket, 1701, a number of the registers of the general assemblies, and the minutes of the commission, from the revolution to that period, perished; fortunately the printed acts preserve the record of the principal transactions; but a number of curious and interesting occurrences connected with them must now be gleaned from other quarters. The numberless tracts, however, published at the time the union was in discussion, and after, amid an intolerable load of rubbish, afford a great deal of curious and important information. I may here just mention, that my friend, the very Rev. Principal Baird, and my old class-fellow Dr. Lee, have afforded me every facility for examining the records of the church, and the Rev. Mr. Goold has assisted me as far as in his power respecting the history of the Cameronians.

envied and acknowledged. Dissension had enabled the protector to achieve a conquest which his projected union was intended to confirm; and as the grounds of his incorporating alliance were adopted as the basis of the present settlement, the recollection was painful and degrading; and when they were reminded of the blood that had been shed, and the efforts that have been made to preserve the sacred inheritance, an indignant swelling of wounded nationality assumed the semblance of patriotism, and all the inherited animosity of former times for their more powerful neighbour was called again into action. This sentiment pervaded the whole land, and the writers of that day did not fail to bring to their recollection the attempts to coalesce ineffectually made in the reigns of James I. and Charles II. which failed only, they alleged, because the Scottish statesmen were not prepared to surrender the bequest of their fathers, to merge their parliament in a foreign legislature, and contentedly sink into a province of England.

III. Next, if not equal, was the form of their religion. However many temporized in times of persecution, or however little numbers cared about the spirit, presbytery was entwined with the earliest and dearest recollections of the Scottish people; the sufferings of their fathers yet fresh in their memory, the tyranny of the prelates, their pomp and lordly state, the idleness and profligacy of the curates, not yet effaced from their recollection—wedded them to the plainness and simplicity of their own ministers, and made them dread the shadow of an episcopal yoke. In an union with England, they saw episcopacy the establishment of the more powerful state, and the bishops forming part of a legislature where their representation would be a wretched minority; and they could not understand the nature of that security which the powerful promises to the weak, other than as the fabled compact between the wolf and the lamb.

IV. It was upon these two grand leading principles that the patriots of the day acted, and it was upon these that the jacobites themselves were constrained to act in all their public appearances. In the lowlands, the latter were never numerous, but they were noisy and active, and deemed no

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Intriguing
spirit of the
jacobites.

means unlawful by which there was a possibility of bringing back their beloved despotism. They therefore artfully followed where they could not lead; and assumed the merit of being directors of the current down which they swam, in the hope of its bursting its banks, and deluging the country, in whose wide-spreading ruin they might haply find some selfish accidental advantage. Wherever they could not excite a disturbance, they urged it on, and, if not at the bottom, were certain to be in the middle of the affray. Like all such intermeddlers, however, they were frequently blamed for what they were not guilty, and they as frequently made a merit of that in which they had no hand. Every tumult, in consequence, which took place during the perturbed state of the public mind respecting the union, while the debates were going forward in parliament, was claimed by, or attributed to the jacobites. But with the most regular, that at Dumfries, they had nothing to do, and their connexion with the movements in the west was at best doubtful;—if they were not the dupes, they were not the principals.

Peasantry
rise in
Nithsdale.

v. After the articles had been printed and dispersed, and the table of the estates was covered with petitions against them, the peasantry of Nithsdale entered Dumfries in arms, and publicly burned at the cross the articles and the names of the commissioners, affixing at the same time, in imitation of the days of yore, a declaration, disclaiming all intention of interfering with the proceedings of parliament. Yet they formally protested, “that if the subscribers to the foresaid treaty of union with their associates in parliament, should presume to carry on the said union by a supreme power over the generality of the nation,” “then and in that case,” they add, “as we judge that the consent of the generality of the same can only divest them of their sacred and civil liberties purchased and maintained by our ancestors with their blood, so we protest that whatever ratification of the foresaid union may pass in parliament contrary to our fundamental laws, liberties, and privileges in church and state, may not be binding upon the nation, now nor at any time to come.” Their formidable appearance occasion-

Protest
against the
union.

ed considerable alarm; but, except publishing their manifesto, and remaining together for a few days, they carried their hostilities no farther.*

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Threaten-
ing appear-
ances in
the West.

VI. In the West, appearances were more threatening; the population were strictly presbyterian, attached to the protestant succession, but determined opponents to every shape and form of episcopacy. The inhabitants of Glasgow had already expressed their disapprobation; but, under the right allowed by the act of security, the different counties at length assembled openly for military training, with the avowed purpose of dissolving the parliament by force. They had established correspondences with each other, and sent emissaries through the north and the east, to excite these quarters to similar measures. While these movements were going on, Cunningham of Eskett, a reduced presbyterian officer in indigent circumstances, informed the known leaders of the jacobites, Brisbane of Bishopton, Cochrane of Kilmarnock, and Lockhart of Carnwath, that he wished to do something to save his perishing country, and was certain, if he had the means, he could engage the western shires to march to Edinburgh. He accordingly procured from them a sum of money, and the duke of Athol engaged that he would secure the pass of Stirling, and keep open a communication with the north. Thus furnished and instructed, Cunningham gained the entire confidence of the leaders in the west, and having traversed the whole country, returned to his jacobite friends, informing them that all were prepared to rise at a signal, armed and ready to co-operate with their friends from the other quarters of the kingdom, in driving from the seats of which they were unworthy, a parliament who had sold themselves, and were about to sell their country. Whether he had been sincere, or in the service of government from the beginning, is un-

Cunning-
ham of
Eskett un-
dertakes to
procure a
rising.

* Kerr of Kersland, in his memoirs, vol. i. p. 42, *et seq.* claims the merit of guiding this business, and disappointing the jacobites of the north of the co-operation of the Cameronians; but his is a very doubtful authority, and he evidently did not understand the principles of the Cameronians, nor do I find any trace of him in the MS. minutes of the general meetings; he was, by his own account of himself, a most unprincipled miscreant; or, to comprehend all that is vile in one epithet—a *Hired Spy*.

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Deserts to
govern-
ment.

Hamilton
prevents
the rising.

certain ; but at this critical moment he deserted the cause, and received his instructions from Queensberry. By him he was directed to repair to the west and south to amuse the confederates, and dissuade them from arms ; in which he appears to have been seconded by Mr. John Hepburn, now again separated from the established church, and ministering among some dissatisfied congregations in the same district.*

VII. This mission he successfully performed, and that without incurring the suspicion of his employers : for the duke of Hamilton, who had at first entered into the project, but who, throughout the whole business, had kept nightly conferences with Queensberry in the palace where they both lodged, unwilling to have recourse to arms, or more probably under the influence of the commissioner, sent private messengers through the whole country, requiring them to put off their design ; and on the day appointed, instead of seven or eight thousand men well armed assembling at the rendezvous, not above five hundred disregarded the orders and kept the appointment ; and they, when they saw no general meeting, retired to their homes muttering curses against their betrayers.

VIII. Thus the only two insurrectional movements that seriously threatened the peace of the kingdom passed over, and the security act being immediately repealed, all future attempts were prevented. But the country remained in a state

* Lockhart says, the government had gained over Mr. Hepburn, a mountain Cameronian minister, and he served them as a spy. Hepburn was not a Cameronian : he was minister of Orr at the revolution ; and after a long tedious process, in which he was suspended and restored, deposed and reponed, according to a MS. note in a copy of "Humble pleadings for the good old way," now lying before me, which had belonged to his wife, he is said to have died minister at Orr, April 1723, in the 71st year of his age. He was occasionally connected with some of the society-men in the south, and together with them he protested against the union, but published an open disclaimer of ever having had any connexion with the jacobites. He differed, however, from those who called Mr. John M'Millan to be their minister, who were, correctly speaking, styled Cameronians, and were the regular predecessors of the reformed synod. They had many private dissensions upon the topics of the day now properly buried in oblivion ; but they all adhered rigidly to the original doctrine of the covenanters, and maintained undiminished their abhorrence at popery, prelacy, and despotism.

of gloomy inquietude during the progress of the bill for the union through their own, and with some small hope that it would be rejected by the English, parliament. The moment it passed the Scottish estates, Queensberry sent it off by express to London, where the English houses, whose meeting had been studiously delayed, were then sitting. Anne, who took the most lively interest in promoting the object, immediately in person communicated to them the important fact, and expressed the great satisfaction she experienced in affording them an opportunity of putting the last hand to a happy union of the two kingdoms; which she hoped would be a lasting blessing to the whole island, a great addition to its wealth and power, and a firm security to the protestant religion; and again repeated what she had frequently said, that she would look upon it as a particular happiness, if that great work which had been so often attempted without success, should be brought to perfection in her reign.

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The queen communicates the act of union.

ix. Both houses proceeded instantly to take the terms into consideration. The opposition, however, which was anticipated, was paralysed by causes over which the parties possessed no control, and upon which they could have formed no calculation. France was entirely broken in the field, and could neither afford the promise of money or of men. The English arms had been successful beyond the proudest hopes of their most sanguine expectants; but in their gazetted triumphs, the Scottish regiments bore no secondary part; the fall of a Douglas illustrated the victory of Steinkirk, and at Hockstead and at Blenheim the Cameronians were the first at the onset. Association in arms prepared the way for association in a civil compact; and it would have been base to refuse a share in the sordid gains of traffic to those who were earning the same meed of glory. Upon the articles of trade, therefore, respecting which the English were most refractory, they were ashamed to insist; for who would not blush in the careering hour of victory, to stoop to the paltry consideration of pence? The tories made a feeble effort in the house of commons to obstruct the treaty. But the first division, which carried triumphantly a vote of thanks to her majesty for her speech

Parliament proceeds to consider it.

Vote of thanks to the queen for her communication.

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Sir John
Parkington's
speech.

and her communication, proclaimed the hopelessness of all opposition.

x. Sir John Parkington said, "that for his part he was absolutely against this incorporating union, which was like marrying a woman against her consent: an union that was carried on by corruption and bribery within doors, and by force and violence without." Sir John was repeatedly interrupted, but he reiterated his charge, and enforced it by declaring, "that the promoters of that union, in basely giving up their independent constitution, had actually betrayed the trust reposed in them; and therefore he would leave it to the judgment of the house to consider whether or not men of such principles were fit to be admitted among them." No reply was made by the ministers, who were more anxious to get the measure approved than debated. The articles were therefore gravely read without disputation, and a bill ordered to be brought in.

A bill
ordered.

xi. The tories were prepared to resist in detail; but sir Simon Harcourt, the solicitor-general, drew it up in such a manner as precluded discussion. The preamble consisted of a recital of the articles as they passed in Scotland, together with the act for the security of the presbyterian church, and another act passed in England for that of the episcopal, with one final enacting clause, ratifying the whole. To the recital there could be no objection, as it contained only matter of fact, and the opposition had not strength sufficient to withstand the general enacting clause. Taken altogether by surprise, they could only cry out that it was a shame to carry a measure of such importance through the parliament "post haste;" and that, sir Thomas Littleton said he thought a very unconscionable cause of complaint; "for," replied he, "as long as the weather is fair, the roads good, and the cattle in heart, there is nothing like driving on till we reach the end of our journey."

It passes
the com-
mons.Opposition
in the house
of lords—
lord Haver-
sham's
speech.

xii. In the house of lords it was more stiffly contested by a small but respectable minority. Lord Haversham was entirely against an incorporating union, when he saw the whole population of Scotland so completely against it; "let it be a union of interest," said he, a federal union as close and as intimate as it can be made; but for independent na-

tions, each possessed of sovereignty, having different laws, customs, and church government, to mingle together as one kingdom, he thought the motion too heterogenous to be lasting; and for this he had the high authority of lord Bacon, who, speaking on this very subject, observed, that ‘an unity that is forced up by a direct admission of contraries in the fundamental points of it, is like the toes of Nebuchadnezzar’s image, made of iron and clay—they may cleave together, they can never incorporate.’ He dreaded also disaster to the English constitution, the most equal and best poized government in all the world—the peculiar excellency of which lies in the well-proportioned distribution of its powers, whose balance might be destroyed by the enormous weight of sixty-one Scots members. Nor could he pass over the evil which must result from establishing a precedent by which one hundred Scottish peers, and as many commoners, were excluded from the parliament, whose rights were as strongly formed and secured to them by the fundamental laws of their kingdom as any who sat by inheritance or choice in these houses; and if, in the face of an act of the Scottish legislature declaring it treason to make any alteration in their constitution, the Scottish peers could lose their privileges, what security had the English or British nobility that they would retain their own?” To all which one general answer was given;—that so great an ob-

In favour
of the bill.

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Finally approved.

State of the
votes.The
queen's
speech on
giving her
assent.

vious. The articles were therefore approved by overwhelming majorities; and—as in Scotland—a few protests only bore record to the ineffectual resistance of the disaffected, whose scruples and fears being more groundless, were treated with less courtesy than those of the Scots. Three only dissented to every one of the twenty-five articles; five to the inequality of the land-tax, four to the Equivalent, the same number to the proportion of Scottish peers as too great; but seventeen, including two bishops, protested “that nothing in the ratification should be construed to extend to an approbation or acknowledgment of the truth of the presbyterian way of worship, or allowing the religion of the church of Scotland to be, what it is styled, the true protestant religion.

XIII. At giving her assent to this important act, [March 6,] her majesty addressed the parliament in the following terms: “My lords and gentlemen:—It is with the greatest satisfaction I have given my assent to a bill for uniting England and Scotland into one kingdom. I consider this union as a matter of the greatest importance to the wealth, strength, and safety of the whole island; and, at the same time, as a work of so much difficulty and nicety in its own nature, that till now all attempts which have been made towards it in the course of above a hundred years have proved ineffectual; and, therefore, I make no doubt but it will be remembered and spoke of hereafter to the honour of those who have been instrumental in bringing it to such a happy conclusion. I desire and expect from all my subjects of both nations, that, from henceforth, they act with all possible respect and kindness to one another, that so it may appear to all the world they have hearts disposed to become one people. This will be a great pleasure to me, and make us all quickly sensible of the good effects of this union; and I cannot but look upon it as a peculiar happiness, that in my reign so full provision is made for the peace and quiet of my people, and for the security of our religion by so firm an establishment of the protestant succession throughout Great Britain.—Gentlemen of the house of commons:—I take this occasion to remind you of making effectual provision for the payment of the Equivalent in Scotland within the time appointed by the act; and I

am persuaded that you will show as much readiness in this particular as you have done in all the parts of this great work—My lords and gentlemen:—The season of the year being now pretty far advanced, I hope you will continue the same zeal which has appeared throughout this session, in dispatching what yet remains unfinished of the public business before you.”

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xiv. When confirmed by the royal assent, the articles were engrossed and enrolled, but the original record of this great transaction was lodged in the tower. An exemplification of the whole under the great seal of England was transmitted to Scotland, to be read in parliament, and then laid up with its registers and rolls; and, along with the regalia, &c. to be kept as a perpetual memorial to the country as the tokens of her past independence.

Original
lodged in
the Tower
—a copy
sent to
Scotland.

xv. While the parliament of England were engaged in ratifying the articles of union, and paying Scotland the form of a compliment by receiving from the estates the deed which the English ministry had dictated or drawn, the ungracious details, proportioning the representation, and dividing the Equivalent, were passing through the expiring legislature of the ancient kingdom. Convinced that, had they appealed to the sense of the nation, not one of the ministerial party would have been chosen, the government determined not to risk it; and therefore they resolved that the then present estates should choose the members who were to represent Scotland in the first united legislature, as the English had resolved that their present peers and commons should be transformed into their portion of the British parliament. Hamilton and Cochrane of Kilmarnock protested against it:—the first as being an infringement of the twenty-second article of the union, by which the method of choosing the peers is regulated and determined; the other, as being contrary to the birth-right, and inconsistent with the privileges of the barons and burghs of Scotland. But the majority, who had disfranchised two-thirds of the estates of the kingdom, were not likely to be startled at using a little freedom with the right of the remainder; it was accordingly voted that the sixteen peers, and forty-five commissioners for shires

Scottish
parliament
elect the
representa-
tives in the
first Bri-
tish.

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Arrange-
ments re-
specting fu-
ture elec-
tions.

Of peers.

Of com-
missioners
for shires.

For burghs.

and burghs should be chosen by the peers, barons, and burghs, respectively, in the present session of parliament ; and out of the members thereof—in the same manner as committees are usually chosen—to be members of the respective houses of the first parliament of Great Britain.

xvi. Having determined that point so as to secure seats for their friends in the first, it remained to arrange how the succeeding elections should be managed. Ministers, and the chief nobility, who were for appropriating among themselves the greatest share, proposed that the choice should be restricted to certain families to be named ; or that they should be classed, and the choice made with some regard to rank and ancestry. By rather a curious mode of argumentation, they assumed as indisputable, that the new nobility could neither have that attachment to their honours, nor that sound regard for the privileges of their station which older families possessed, and would therefore be more easily reconciled to retrace the steps leading back to the plebeianism ; but this not being quite so agreeable to the young race as their elders imagined, it was proposed that the representatives should succeed by rotation. Neither old nor new were satisfied with rotatory returns, and an open election was preferred.

xvii. The barons, reduced to thirty-nine, distributed one to each county, except Clackmannan and Kinross, Nairne and Cromarty, and Bute and Caithness, who were to have one alternately. Against this classification Sinclair of Stempster protested, because the rule for reducing shires was by their valuation, and Caithness was valued higher than Sutherland ; but the earl of Sutherland was a commissioner for the union, and as the electors in that county were mostly his vassals, they procured a representative for themselves.

Fifteen was the proportion allowed for the burghs, which were arranged in districts of from four to five towns each, Edinburgh alone having the privilege of returning one. Perhaps as the Scottish burghs are at present constituted, and from the mode in which elections are generally conducted in them, there is no great cause for complaint that the numbers allotted them were so few ; but, on a comparison with England, it does appear unaccountably preposterous,

that such an adjustment should ever have taken place, and it is equally strange that it should ever have been considered in any other light than a mockery.

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1707.

Result of
the present
election.

xviii. Neglected by both parties, Hamilton saw himself excluded from the British parliament, and despised by those who had looked up to him as a leader. The squadron experienced the usual fate of trimmers; and of the sixteen peers and forty-five commoners elected, only eighteen who had been in opposition, or who were not the devoted adherents of ministry, were returned.

xix. All the important debatable subjects being now settled, the transaction was wound up by a division of the spoil. The commissioners for the treaty of union were allowed for their expenses—a nobleman, nine hundred pounds sterling, or in the better sounding Scottish money, twelve thousand pounds, the commoners half the sum; the commissioners for the treaty 1702 had, a nobleman five hundred, a baron three, and a burrow two hundred pounds sterling, which, with clerks and assistants, disposed of thirty thousand pounds of the Equivalent, and gave rise to a variety of sarcastic inquiries—whether these were the most approved methods for encouraging the manufactures and employing the poor? raising stocks for the woollen trade, and funds for the fishing? while their indignant or disappointed opponents exclaimed, that they could now estimate the value of their votes, and the warmth of their patriotism.

Division of
the Equi-
valent.

Allowance
to the com-
missioners.

xx. The reimbursement of the Darien company was referred to a committee, who reported that they found the capital stock advanced by the proprietors of the company, with interest thereof at five per cent. from the respective terms at which the same was payable, to the first of May, one thousand seven hundred and seven, amounted in all to two hundred and twenty-nine thousand, four hundred and eighty-two pounds, fifteen shillings, and one penny five-sixths, and the debts due by them fourteen thousand, eight hundred and nine pounds, eighteen shillings and elevenpence, making together a sum of two hundred and fifty-four thousand, two hundred and ninety-two pounds, fourteen shillings, which was ordered to be paid by the commissioners who were to be appointed for the general distribution of the

Reimburse-
ment to the
Darien
company.

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Equivalent immediately to the persons who have a right to the payment by act of parliament. Whether this sum was fairly distributed, or partially dispensed among the friends of the ministry, as was insinuated, cannot now be determined; but according to the minutes of parliament and the reports of the committee, there appears to have been every exertion made to repay the *bona fide* proprietors and sufferers; nor have I, in all the accusations I have examined, met with what appears to me any well-grounded charge of misapplication in this part of the disbursement.*—Yet still there was a very handsome residue left to gratify the friends of ministers, and there were many other public debts which were left to be settled by the commissioners for managing the Equivalent which were subject to no revision.

Scottish
parliament
closed—
the com-
missioner's
speech.

xxi. At length the exemplification of the treaty arrived; and those who had hoped that delays, conferences between the house, or hesitations, might have protracted the discussions till the period appointed for the commencement of the union [the first of May] had elapsed—or that amendments on the articles would have required its being again submitted to the Scottish parliament, were surprised to find that it had been so summarily passed and returned without the least alteration. While the deed was engrossing, a number of private acts were passed, and [March 25th] the act *Salvo* being read, the commissioner, in his parting speech, thus closed for ever a separate and independent legislation in Scotland.—“My lords and gentlemen:—the public business of this session being now over, it is full time to put an end to it. I am persuaded that we and our posterity will reap the benefit of the union of the two kingdoms, and I doubt not that as this parliament has had the honour to conclude it, you will, in your several stations, recommend to the people of this nation, a grateful sense of her majesty's goodness and great care for the welfare of her subjects, in bringing this important affair to perfection, and that you will promote an universal desire in this kingdom to become one in hearts and affections, as we are inseparably joined in

* Pamphlets on the Union.—Anatomy of an Equivalent.—Defence of the Distribution, &c.

interest with our neighbour nation. My lords and gentlemen :—I have a very deep sense of the assistance and respect I have met with from you in this session of parliament, and I shall omit no occasion of showing to the utmost of my power the grateful remembrance I have of it.” The parliament was then adjourned till the 22d of April,* and on the 28th was dissolved.

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XXII. It is impossible to record or to read without a feeling somewhat akin to sadness, of the breaking up of a venerable institution, identified with all the ancient glory of our country ; but from the facilities which an English ministry possessed after the union of the crowns to influence its deliberations, from the readiness with which it was rendered the tool of despotism under the Stewarts, and from the danger to which it was exposed of again crouching beneath the same burden, it would be foolish to think with regret upon the decease of the Scottish estates, or with other sentiments than those of satisfaction, upon the stability which was insured to real freedom under the protection of the British parliament. The queen expressed her gratitude to the Scottish nobility, who had been chiefly instrumental in promoting the union, by titles and pensions ; Montrose and Roxburgh were created Scottish dukes—the highest and last honours of the ancient kingdom—the earls of Mar and Seafield were admitted of the privy council, and Queensberry, with the whole patronage of Scotland, was afterwards raised to the first rank of the British peerage. Her majesty went in procession to St. Paul’s on the first of May, to offer thanksgiving for the auspicious conjunction. Addresses of congratulation were presented to her from every quarter of the whole English nation, who were enraptured at the union, which they considered as the commencement of a new era of national felicity.

Reflec-
tions.

Honours
conferred
on the
Scottish
nobility.

Congratu-
lations of
the Eng-
lish.

XXIII. So thought not the Scottish. When their national legislature was lost, a spirit of sullen discontent succeeded to the hopes and fears by which they had been so long agitated, and that was increased by an unfortunate circumstance connected with mercantile speculation. As the import duties

Dissatis-
faction of
the Scots.

* “ Seafield the chancellor’s observation in adjourning the parliament was, ‘there is an end of an auld sang’ to his immortal memory.” Hist. of the Revolution in Scotland.

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Mercantile
specula-
tions.London
merchants
complain.Vote of the
English
commons
respecting
them.Bill intro-
duced in
conse-
quence.

upon foreign commodities were trifling in Scotland, but heavy in England, and both were to continue on the same footing till the first of May, the interval before the operation of the union treaty was employed by a number of merchants in landing valuable cargoes of brandies, wines, &c. at Leith and other ports, to be brought into England after the union had commenced, when all merchandise from Scotland would be admitted duty free:—this was undoubtedly a fair advantage offered in the lottery of trade, of which every Scottishman who had it in his power had a right to avail himself, and of which no Englishman had a right to complain. Another method of gain proposed was probably not quite so unimpeachable:—tobacco when exported from England, had a drawback of sixpence per lb. allowed; some English traders, therefore, sent immense quantities to Scotland for the sole purpose of obtaining the bonus, with the intention of bringing it back, so soon as they could do so in virtue of the treaty.

xxiv. No provision had been made to guard against such equivocal transactions, and it was even alleged that some of the treaters themselves were engaged in them; but as all could not partake in the gain, those who were necessarily left out in the arrangement raised the loudest outcries at the danger to which the honest dealer and the revenue were exposed; and the London merchants addressed the house of commons, then sitting, complaining of the intolerable inequality and injustice of allowing any such immunities. The commons entered into these views, and voted in reply, “that the importation of goods and merchandize, the growth and produce of France and other foreign parts, into Scotland, in order to be brought from thence into England after the first of May, and with the intention to avoid the payment of the English duties, will be to the damage and ruin of the fair traders, to the prejudice of the manufactures of England, a great loss to her majesty’s revenue of the customs, and a very great detriment to the public;” and a bill was accordingly introduced, and passed the house, enacting that all foreign goods brought from Scotland after the union should be liable to the same duties as those imported direct from France or Spain, under pain of seizure.

xxv. The Scottish merchants in London demanded by a

counter petition the free intercourse of trade allowed them by the treaty, without breach of which, they affirmed, they could not be refused the liberty of importing any goods from Scotland, which were not contraband by law in the latter country previous to the treaty; since having paid all the duties due in Scotland, they were entitled, as Scottish property, to be freely admitted to every port in England; they therefore added a saving clause, "unless it could be proved they were the *bona fide* property of Scottishmen in Scotland, and not merely purchased or provided for the occasion;" but to counteract its value they made the *onus probandi* lie upon the importer, to whom was left the vexatious and often impracticable task of satisfying the custom-house officers. The lords, upon the representations of the Scots hesitated: the commons then expressed themselves still more strongly, and declared, that the importation of goods the growth of France through Scotland to avoid the English duties, was a "notorious fraud," and the London merchants re-echoed the assertion; but the lords persisted in considering the interference of the English parliament as illegal, and ultimately rejected the bill, referring the subject to the British legislature.

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Scottish
merchants
petition a-
gainst it.The lords
reject the
bill.

xxvi. While the affair was in dispute, the merchants continued their speculations; and when the commencement of the union arrived, an immense quantity of foreign produce had accumulated in Scotland, which, in the middle of June, was shipped for London, with certificates of having been fairly imported into Scotland, and having regularly paid all exigible duties before the 1st of May. But no sooner had they entered the Thames, than the custom-house officers made a general seizure of both ships and cargoes. What aggravated this occurrence, was the entire subversion of all their former modes of collecting the trifling sums raised by customs and excise; and along with the new system, the introduction of crowds of English revenue officers, and the stagnation of trade and confusion that accompanied their introduction. The taxes had, before the union, been usually farmed, and not unfrequently were compromised between the tacksman and the merchant; so that the small trade which was carried on was overlooked by only a few officers whose salaries were insignificant, and whose services

Goods
shipped
from Scot-
land seized
in the
Thames.English re-
venue offi-
cers intro-
duced.

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Smuggling
becomes
general.

were not over-rigorously performed. Even in these circumstances, it had been no uncommon case to run great quantities of goods; but when the enormous duties imposed in England began to operate, the temptation was too great to resist, and the whole country threatened to become one den of smugglers. The common people, not yet broke into obedience, acting upon the principle that the union was not legal, nor the English laws binding upon them, forcibly resisted the custom-house officers, and in many instances retook their seizures, which they considered recovering their own property, and treated the captors as common robbers;* in spite of all the efforts of the latter, many thousand ankers of brandy were secretly landed from the first Dutch fleet that arrived after the union, and their attempts to enforce the new laws were openly obstructed.

Manœuvres
of the
smugglers.

xxvii. As force, however, soon became hazardous, advantage was taken of the creeks and coves with which the Firths of Forth and Clyde abound, to land the cargoes they did not choose to enter, or they entered part, and run part. In this case, boats were stationed at different places, particularly in the Firth of Forth, and certain signals agreed upon between them and the "runners." Whenever a vessel appeared at a distance, the concerted flag was hung out to the confederates, who immediately came off, and received the contraband articles; or replied by signal from the shore, if the officers were in the neighbourhood, when the ship tacked and made for another quarter, and having the whole Firth to range in, they shifted from side to side, and port to port, till they found the coast clear and accomplished their purpose; while the custom-house officers had the satisfaction of being spectators of the manœuvring, without being able to prevent the landing.

xxviii. Few or no Scottishmen could be found who would incur the disgrace of enforcing the new regulations, and it

* Lockhart, who hated these gentry most cordially, relates with much glee, "that about this time a Scots merchant travelling in England, and showing some apprehensions of being robbed, his landlady told him he was in no hazard; and, upon his inquiring how that came about, and where were all the thieves? 'why truly,' replied she, 'they are all gone to your country to get places.'" *Memoirs*, p. 224.

was therefore necessary to employ others, who cared little for the contumely, and had courage to face the danger of such an employment. At first the service was severe, and a species of custom-house cavalry was raised for superintending the coasts, and a new marine for guarding the creeks and the bays. Four general riding surveyors, with twelve officers attached to them, formed the staff of the establishment, who divided the country into districts, and reviewed and kept to their duty the various corps of under agents, almost the whole of whom consisting of Englishmen, executed without mercy the oppressive exactions of the revenue laws. These guarda-costas consisted of what had never been known in Scotland—small armed cutters and boats, who cruized off the mouths of the Firths, and searched every vessel that entered. These too were manned chiefly by their newly united brethren, and exercised their office with that blunt disregard of ceremony which has always distinguished an English tar. Of the whole employed in this odious business, only two Scottishmen were admitted into the lucrative department of commissioners, and those were active treaters, sir Robert Dickson and a brother of the earl of Glasgow.

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Means adopted to
enforce the
revenue
laws.

xxix. A gauger had never been heard of in the country till the new regiment of excisemen invaded it, and their manner of levying the tribute was as unintelligible as the thing itself was abhorrent to the native brewers. Like the customs, the excise had been generally settled amicably between the farmer of the tax and the payer, and that by a kind of “rough guess” which the brewer himself was, in most cases, allowed to make; not a person in the whole business had seen a gauging rod, or could use it, and were therefore utterly amazed at “the bringing sticks to their barrels;” nor was it till nearly a twelvemonth had elapsed, that they were even partially introduced; and in consequence of the total unacquaintedness of the Scots, and their stubborn unwillingness to learn, the whole of this department also was intrusted chiefly to Englishmen.

First introduction of
gaugers.

xxx. Provision had been promptly made by the English parliament for payment of the Equivalent; but by some means it had been delayed to be forwarded to Scotland, and was afterwards transmitted in such a manner as tended still

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Non arrival of the
Equivalent money ex-
asperates the people.Disap-
pointment
on its ar-
rival.Unfairness
of the tran-
saction.

farther to exasperate the people at what they execrated as the price of their independence. When the money did not arrive at the stipulated time, reports were assiduously spread that it would never arrive at all; or, if it did, that the English having now obtained the sole object of their wishes, would act with their usual deceit, and distribute the wages of iniquity as upon a former occasion, with large deductions, and to purchase services of still deeper infamy. Some of the more violent patriots insisted, that, as the purchase money had not been paid, the bargain was null; and a party, at whose head the duke of Hamilton was said to have marched, paraded to the cross of the deserted capital, and protested at midnight, in name of the Scottish nation, that the conditions of the treaty not being fulfilled, the whole was void, and Scotland free, whenever her children chose to assert her freedom. When the money did arrive in the month of August, it was carried to the castle in twelve waggons guarded by dragoons, amid the hootings and howlings of the mob, who, in the violence of their vituperation, after abusing the soldiers and the drivers, reproached the vehicle that carried, and the horses that drew "the accursed thing." But when the sum came to be examined, it was found that only one hundred thousand pounds had been remitted in specie, and the remainder had been sent down in exchequer bills! and immediately a new and more violent clamour arose that the English had tricked them, and instead of money had sent paper! and this was the advantage the nation was to receive from the large influx of gold and silver to supply the deficiency of their circulation, and raise the value of their new coin—three-fourths of the golden equivalent in bills payable three hundred miles off, and in London!

xxxI. Nor were the charges of fraud entirely groundless. The bank of England had that year advanced to government a sum of one million two hundred thousand pounds upon exchequer bills bearing interest; these passed in London for cash, as they were payable on demand, and in extensive concerns were more convenient than specie; but it was widely different in Scotland, where there were no funds to meet them, and where they were not needed in large money transactions. As they could neither be used,

nor bore interest, the claimants on the Darien scheme would not take them, and the commissioners were reduced to a perplexing dilemma, from which they were only extricated by prolonging the period of payment, prevailing on some to take half cash and half bills, and others to accept of bills of exchange on London; by which some lost a half, some three quarters of a year's interest on their dividends, while the bank of England gained in proportion upon a sum of upwards of three hundred thousand pounds.* All the money being called in at the same time, although the recoinage issues appear to have been very expeditiously managed, yet, from the quantity of specie in circulation, the whole could not be overtaken till considerable inconvenience had added this as another to the list of evils originating from the union.† Uniformity in weights and measures was repeatedly tried, but at last was bequeathed over in despair to future generations.

Scarcity of
specie.

xxxii. The supercilious haughtiness with which the stipulations of the union were carried into effect, portended the decline of whig influence in the cabinet, and cooled the zeal of those who had been friendly to the measure in Scotland, but now began to suspect they had been over sanguine in their anticipations. The jacobites rejoiced in the fulfilment of their predictions, and publicly celebrated the pretender's birth-day in Edinburgh and throughout the country; and

Jacobites
celebrate
the pre-
tender's
birth-day.

* Annals of Commerce, 1707. De Foe's Hist. 592. The Equivalent cleared up, Ed. 1707.

† Ruddiman, in his preface to Anderson's Diplomata, states the amount brought to the mint at four hundred and eleven thousand, one hundred and seventeen pounds sterling; but as the English money passed in Scotland at an advance of 1d. per shilling before the union, and all that was brought to the bank was re-issued at par, government making good the loss, it is probable that a considerable quantity might be brought from England for the purpose of obtaining this gain: he conjectures that nearly as much more might be hoarded up by the whimsical, disaffected, and timorous, who were strongly prepossessed against the union, and expected a speedy rupture, besides what was retained by silversmiths for plate: so that he thinks the gold and silver currency in the kingdom could not be less than nine hundred thousand pounds sterling. De Foe states that two hundred thousand pounds in silver was issued shortly after the arrival of the Equivalent: but the jacobites and discontented hoarded it as much as possible to embarrass the government. Annals of Commerce, v. ii. p. 737. De Foe, p. 597.

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construed the silent apathy with which their proceedings were regarded by the presbyterians, into marks of approbation, and every expression of discontent at the union, into wishes for the restoration of their king.

General as-
sembly.

xxxiii. Placed in very delicate circumstances, the general assembly was managed with consummate address by their political leaders. Since the compromise with the state respecting her intrinsic power, all her civil matters had been referred to the commission, while, at their annual meetings, their attention had been directed to objects entirely ecclesiastical; but the same motions for planting kirks in the highlands, erecting libraries, and superintending education, renewed year by year, announce the little success that had attended their laudable attempts at enlightening the barbarous and distant districts and islands. Living as they did in such close connexion with their people, it was impossible but that the same suspicions should be excited among them as among their flocks, and a number of them partook of their strongest prejudices; but these were allowed to evaporate in the commission, and the union was carefully avoided in the assembly. The queen, in alluding to the subject, in her communication to that which met, April 1607, did it in the gentlest manner. "Their calm management in former assemblies," she said, "gave her full confidence that they would continue to use the same moderation, good conduct, and unanimity in the ensuing;" "and we doubt not," added her majesty, "but the particular care we have taken that the doctrine, worship, discipline, and government of your church should have as firm a security as human laws can establish, shall have all suitable returns of duty and thankfulness from you." The letter concluded with renewed assurances of her royal protection in the free enjoyment of all the rights and privileges that by law they were possessed of. In their answer the assembly were equally guarded. "Next to the divine approbation," returned the venerable fathers, "nothing can be more dear to us than your majesty's satisfaction with all our meetings and proceedings. The particular care your majesty hath taken for the security of the doctrine, worship, discipline, and government of this church, we do acknowledge, with all thankfulness to God and your majesty, and

The
queen's let-
ter.

Answer.

shall endeavour, both for ourselves and all under our charge, that your majesty may have all suitable returns of loyalty and obedience that become good and affectionate subjects. The constant renewed assurances that your majesty is pleased to give of your protection in the free enjoyment of all the rights and privileges that by law we are possessed of, are to us most acceptable, and lay us under all the obligations of duty and gratitude to your majesty whereof we are capable."

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xxxiv. Their prudent moderation was not acceptable to the people, while it exposed them to the sneering reproaches of the jacobites, who upbraided them with roaring against the wicked union, till they had got their own kirk secured, when their anathemas were turned to blessings; and not a few of their own body wept over their lukewarmness. Their leaders contrived however to occupy their attention fully on other matters, on acts for suppressing popery, and preventing the growth thereof, against all innovation in the worship, and for civilizing the highlands and islands. In this last praiseworthy labour, they instituted nineteen presbyterial, and fifty-eight parochial libraries. They were likewise engaged with the scripture songs; a considerable portion of their time too was spent in examining and approving the form of process in the judicatories of the church of Scotland with relation to scandals and censures, which contains a number of excellent regulations, although the particularity of their instructions, with regard to that species of delinquency which then, and for long after, was the chief object of church discipline, has in later times furnished subjects of unhallowed mirth to those whose legal duties have brought them in contact with it;* nor do the inquisitorial methods there prescribed, for ascertaining the existence of a suspected crime, accord either with the perhaps affected modesty, or the more indulgent practice of our day.—The public records of the church are silent respecting them, yet the causes were in operation which were to lead to the grand separation that took place some years after; and a system of forcing a scrupulous minority to obey the decisions of the church judicatories, without regard to the milder methods of reasoning

Their moderation
disliked.

Institute
presbyteri-
al, &c. li-
braries.

Seeds of
future se-
paration.

* Arnot's History of Edinburgh, and Criminal Trials.

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Cameroni-
ans averse
to the
union.

and persuasion, which commenced about this time, was laying the train for the future explosion.

xxxv. Restrained by no motives of temporal advantage, the society-men did not hesitate openly to avow their aversion at the incorporating union. From the time when they were deserted by Messrs. Shields, Linning, and Boyd, they had continued to meet in the same manner as they did during the period of the persecution, when deprived of ministers they could acknowledge; and, although it may be disputable how far they acted with propriety in remaining separate and standing out against the revolution church, it is impossible not to reverence their conscientious scruples; that these descended to a minuteness that sometimes exposed them to ridicule, must I apprehend, be in a great measure attributed to the influence which Mr. Hamilton, who had a wondrous talent for creating dissension, possessed with them till his death.*

Divisions
amongst
them.

xxxvi. Previously or about that time, they seem to have divided, and a party in the south adhered to Hepburn, but upon what terms they accepted his ministrations it is hard to guess; as, according to the libel of the general assembly that deposed him, for fifteen years he had not dispensed the sacrament of the Lord's Supper, not having been able during that time to find in Scotland as many christians of one mind as would surround the sacred table. Those who re-

* Mr. Hamilton, after Bothwell-bridge, went to the Continent. He travelled through Holland, Switzerland, and the low countries. Minds expand by travel, but his seems to have contracted; and in lands which could have no earthly connexion with either national or solemn league, he in his correspondence is wonderfully amazed that they are "cold in the cause of covenanted reformation." But whatever may be thought of his judgment, there can be only one opinion of his integrity, when it is known that he both refused to assume the title of his brother, or to enter heir to a good estate, because they were connected with oaths that he could not conscientiously subscribe. His friends, however, always gave him the knightly appendage; and I find in the MS. minutes of the Societies, date Crawford-john, Oct. 13, 1703, the following entry, "That John Robson, Francis Frizzel, William Swanston, Francis Graham, and John Mack, with the clerk of the general meeting go to Borrowstounness, and converse with our friends and society there, in order to review and count with Mr. James Kid concerning sir Robert Hamilton's funeral, likewise to review and take up what books and papers sir Robert Hamilton left for the use of the general meeting."

mained associated together in their general meetings, in 1706 gave an unanimous call to the Rev. John Macmillan, who had been deposed by the presbytery of Kirkcudbright for holding principles consonant with their own; and he accepted of the pastoral charge over them, upon the ground of maintaining and bearing testimony for the purity of the great reformation between the years 1638 and 1649; and upon similar grounds have they maintained their testimony to this day. That some of the baser sort among them might so far forget their principles, as to shake hands with the jacobites is not impossible; but, as a body, they uniformly detested the least approach to the unnatural conjunction.*

xxxvii. Happily the court of Versailles did not understand the real state of Scotland; and at a time when a bold instantaneous invasion must have involved Britain in a fierce and bloody internal warfare—whatever the issue might have been—they again despatched colonel Hooke upon a secret embassy. His instructions were “to be certain of making a diversion in Scotland, which will embarrass the English, and oblige them to bring back a considerable body of troops to England.” “The Scottish nobility,” it is added, “must be in a condition to assemble twenty-five or thirty thousand men, and to clothe, arm, equip, and maintain them during the campaign, that is at least two months, to commence in the beginning of May;” and presuming that the indignation of these nobles would lead them at once to take the field, M. de Chamillart, the French minister, urged upon him the necessity of procuring from them a written obligation, while he was carefully to beware of committing the French king. “The favourable dispositions of the nobility,” say these disinterested friends, “leave no room to doubt but they will make their utmost efforts to withdraw themselves from the yoke which the English nation intends to impose upon them;” but “before a revolution which should end in the restoration of the lawful sovereign is begun, it is necessary to enter into a particular detail of the forces and means which the Scots can employ to accomplish it, and of the succours which they

Hooke again sent to Scotland.

His instructions.

* Minutes of the General Assembly, MS. Minutes of the General Meetings, MS. Short Account of the old Presbyterian Dissenters, published by authority of the reformed presbytery;—1806.

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may promise themselves from the protection of the king, who is no less interested in the success of this enterprize than his Britannic majesty. It is for these considerations that his majesty hath judged it proper, before he makes any positive promise to the Scots, to send over Mr. Hooke, in order to acquire upon the spot a perfect knowledge of the state of things, to form a well-digested plan with the nobility, to render it to writing, and to get it signed by the principal men of the country, giving them assurances of his majesty's main desire, and his dispositions to send them the succours which may be necessary for them; and his majesty recommends in a very particular manner to Mr. Hooke, not to engage him in expenses which those he is obliged to lay out elsewhere will not allow him to support, nor to give them any room to hope for more than he can furnish."

xxxviii. These instructions fully evince the narrow and interested politics of Louis, similar to what always had been the ruling principle of France in all their alliances with Scotland. The following notandum shows the writer's ignorance of what was the main prop and stay of the house of Stuart;—the peculiar construction of highland society at the time. "They must not persuade themselves," continues M. de C., "that the mere good will of the nobility, and the blind obedience of their vassals in doing whatever they choose, are sufficient to oblige them to remain too long from home when they are furnished only with bread; they must have meat and spirits, or at least vegetables, with some other drink than water, the use of which is not common in the country."

View of the
manners,
&c. of the
highland-
ers.

xxxix. As colonel Hooke's negotiations were chiefly in the north, and as all the attempts to restore the forfeited family owed their every probability of success to the Scottish highlanders, it will be necessary to give a short view of the manners, customs, and power of the clans, while they remained a distinct unmixed race—before their institutions were broken down, and their habits and character altered by the innovations of modern times, by the abrogation of the patriarchal government, and the introduction of extensive sheep walks—in order to trace distinctly the origin of that facility with which two rebellions were raised in Scotland in fa-

vour of pretenders to the throne, to whose pretensions an immense majority of the nation were decidedly adverse; as well as to account for the ephemeral good fortune that attended them.

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XL. The dark bold blue rampart of the Grampians forms the grand separating line between the two nations inhabiting the high and the low lands of Scotland, commencing north of the river Don, and terminating in the south-west at Ardmore, in the county of Dumbarton. But the space which the Gaelic population occupied within the mountains, according to colonel Stuart, includes the counties of Sutherland, Caithness, Ross, Inverness, Cromarty, Nairne, Argyle, Bute, the Hebrides, and part of the counties of Moray, Banff, Stirling, Perth, Dumbarton, Aberdeen, and Angus; and may be defined by a line drawn from the western opening of the Pentland firth, passing round St. Kilda, so as to include the whole cluster of islands to the east and south, so far as Arran; then stretching to the mull of Kintyre, and entering the main land, surrounding the southern verge of the range, till it again reach our starting point in Aberdeenshire.

Districts
possessed
by them.

XLI. Of this region the general aspect is wild, rugged, and desolate; deeply indented by bays and arms of the sea, and intersected by lakes lodged in the recesses of the hills, rivers flowing through the straths they themselves have formed, or streams that give verdure to some small sequestered glens. The summits of the high hills are bleak and cheerless, and distinguished by the epithet of grey or black, as the moss or the rock happens to predominate; while in the space between, large tracts of moorish ground are only distinguished by more level barrenness. Nor is the climate more benign than the soil; rain, hail, and tempest, are the varieties of their winter weather, which frequently usurps their spring, and encroaches upon their autumn.

Their as-
pect and
climate.

XLII. Agriculture was then but little known; some straggling patches of land in the vallies or on the sea-coast yielded in favourable years a meagre crop of stunted oats and barley, beyond the cultivation of which their farming operations do not appear to have extended; but the chief subsistence of the inhabitants was the produce of the chase or

State of
agriculture.

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Their man-
ner of
living.

the mountain pasture. Their flocks of sheep were not numerous, consisting of the small black-faced breed, more valuable for their carcasses than their fleece; their staple was their herds of black cattle, the tending of which formed their chief employment when not engaged in war or depredation. There were few towns in the districts, and the villages consisted of a few houses rudely constructed of sods or loose stones, and covered with turf or heath, scattered in the glens, where they spent the winter. In summer they repaired to the hills with their cattle, where they erected temporary huts in the sheelings, or spots of pasture, removing from one sheeling to another as the grass failed. Educated in such circumstances, they were necessarily temperate, robust, and brave. Excepting the produce of fishing or the field—for rivers and moors were free to all ranks—the food of the common people consisted chiefly of milk and cheese, and their usual beverage water or whey; their bed was the heath, and their only covering a plaid, nor did their superiors, except upon festal occasions, or in the halls of their chiefs, disdain to practise equal abstemiousness and hardihood.

Clanships.

XLIII. Separated by language and situation from the rest of mankind, the natural divisions of the country separated them into small societies among themselves, who, possessing each within their own circle the necessaries for supplying their limited wants, ranged under the most powerful or most respected of the kindred; thus associated together they yielded to him implicit obedience as the patriarchal head of their community, or, as he was usually termed, the chief of the clan. This bond of attachment was strengthened by the body of the people inheriting or assuming the same name; and the kindliness of relationship produced a mutual attachment, which no other form of society has ever yet called into action.

Devotion
to their
chiefs.

XLIV. Devotion to their chief was the first duty of an highlander; and there are not wanting well attested facts of the follower's having interposed his body, and received the fatal arrow intended for his lord.* He was landlord, captain,

* Of their devotion to their chief I shall only give one instance. The late James Menzies of Caldares having engaged in the rebellion of 1715, had been

and judge; his castle was the centre and the scene of the martial and manly exercises of his tribe; they were companions in the sports or the dangers of the field; and the principal youth of the clan were welcomed to his table, and trained with his children. But while these connexions of kindness and consanguinity knit the clanship more closely together among themselves, they rendered them more keenly alive to any affront or injury offered to any of the name; and as the voice of the law was distant, feeble, and seldom heard, or when heard little attended to,* redress or revenge was the office of the chief and of the clan, who shared in the quarrel and vindicated the cause of the kindred; and not unfrequently the most deadly feuds arose from the private resentments of individuals. But the power of the chief, as it was founded on consanguinity, and not on feudal superiority which was connected with land, was not destroyed, when his estates were transferred to another, or even when

Power of
the chief.

taken at Preston in Lancashire, was carried to London, where he was tried and condemned, but afterwards reprieved. Grateful for the clemency he remained at home in 1745, but retaining a predilection for the old cause, he sent a handsome charger as a present to prince Charles when advancing through England. The servant who led and delivered the horse was taken prisoner and carried to Carlisle, where he was tried and condemned. To extort a discovery of the person who had sent the horse, threats of immediate execution in case of refusal, and offers of pardon on his giving information, were held out ineffectually to the faithful messenger. "He knew," he said, "what the consequence of a disclosure would be to his master, and his own life was nothing in comparison." When brought out for execution he was again pressed to inform on his master. He asked "if they were serious in supposing him such a villain? If he did what they desired, and forgot his master and his trust, he could not return to his native country, for Glenlyon would be no home or country to him, as he would be despised and hunted out of the Glen." Accordingly he kept steady to his trust, and was executed. His name was John Macnaughton from Glenlyon, in Perthshire.—Sketches, v. i. p. 54. I cannot help, however, remarking on this anecdote, that if it shows the devotion of the vassal, it shows also either the stupidity or the leniency, of the government; for having got the man's name and the place where he lived, and the fact that his master had sent the horse, I think they might easily have traced out Mr. Menzies if they had so chosen.

* We complain, even now, and not without reason, of the law's delay; many after being ruined themselves have left their law-suits as legacies, bequeathing the curse to their next generation; but I query whether any of the pleas upon record can match that of Lochiel and Macintosh, who were at law and at war, as Mr. Home informs us, for upwards of three centuries and a half!—Introduction to the History of the Rebellion.

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Extended
through the
chieftains.

they were forfeited.* His influence was ramified to a distance through the chieftains, who considering themselves branches of the same family of which the chief was the stem, augmented his power while they seemed to subdivide it; these were proprietors of smaller estates, which they held either immediately from their own chief, or from some other powerful superior. Thus each clan consisted of several tribes, of which the chief was the supreme, the chieftains the subordinate rulers.

Their pre-
datory sys-
tem.

XLV. All being trained to arms, and impatient of injury, unless when directed against some common enemy, their restless spirits were seldom at peace among themselves; and the districts of the lowlands next to them were either tributary, paying what was called black-mail for their forbearance, or subject to their predatory incursions. Their martial habits were by these means kept alive, while the comparative tranquillity the lowlands enjoyed after the union of the two crowns which had put an end to their wars with the English, rendered their inhabitants less expert in military exercises. "The spirit of opposition and rivalry between the clans," says a late writer well acquainted with the subject, "perpetuated a system of hostility, encouraged the cultivation of the military at the expense of the social virtues, and perverted their ideas both of law and morality. Revenge was accounted a duty, the destruction of a neighbour a meritorious exploit, and rapine an honourable occupation. Their love of distinction, and a conscious reliance on their own courage when under the direction of these

* Remarkable instances of this occur in the case of the duke of Gordon. President Forbes, in his memorial to government, giving an account of the clans, says "the Gordons is no clan family, although the duke is chief of a very powerful name in the lowlands. He has a great posse of cavalry and gentlemen on horseback at Enzie and Strathbogie, but he is only placed here on account of his highland followers in Strathaven and Glenlivet, which are about 300 men; his extensive jurisdictions and superiorities in the centre highlands, viz. Badenoch, Lochaber, and Strathspey, do not yield him any followers. The tenants on his own property, as well as those who hold their lands of him in feu, follow their natural born chief of whom they are descended, and pay no regard to the master or superior of their lands. Thus the Camerons follow Lochiel, the Macphersons follow Clunie, and other chiefs are followed and obeyed in the same manner from respect, family attachment and consanguinity."

perverted notions, only tended to make their feuds more implacable, their condition more agitated, and their depredations more rapacious and desolating. But their inroads were more frequently directed to the lowlands, where the booty was richest, and where less vigilance was exercised in protecting it; regarding every lowlander as an alien, and his cattle a fair spoil of war, they considered no law for his protection as binding; and if overtaken in their depredations, the plunderers were generally prepared for resistance, and for ennobling an act of robbery by the intrepidity of their defence. The lowlanders, on the other hand, regarded their neighbours at the mountains as a lawless banditti, whom it was dangerous to pursue to their fastnesses in order to recover their property or to punish aggressions."

XLVI. Besides the authorised spoilers, there was a peculiar class, styled *Kearnachs*, who were a select band employed in all enterprises where uncommon danger was to be encountered, or more than common honour to be acquired.* The clans inhabiting the counties of Perth, Stirling,

* In times later than that to which the above description refers, the *Kearnachs* descended to less exalted services, or, as the author to whom I am indebted for my account expresses it, "their employments were less laudable, and consisted in levying contributions on their lowland neighbours, or in making them pay tribute, or *black-mail*, for protection." Of this character he has given some interesting examples; and, as history has often descended to chronicle robbers of higher rank, who did not possess the generosity either of serjeant Mor or Rob Roy, I cannot refuse myself the pleasure of copying two anecdotes, the first of which I used when a child to admire. "John Du Cameron, or serjeant Mor, as he was called from his large size, had been a serjeant in the French service, and came over to Scotland in the year 1745. Having no settled abode, and dreading the consequences of having served in the army of France, and of being afterwards engaged in the rebellion, he formed a party of outlaws, and took up his residence among the mountains, between the counties of Perth, Inverness, and Argyle. While he plundered the cattle of those whom he called his enemies, he protected the property of his friends, and frequently made people on the borders of the lowlands purchase his forbearance, by the payment of *black-mail*. On one occasion he met with an officer of the garrison of Fort-William, on the mountains of Lochaber. The officer told him he suspected he had lost his way, and having a large sum of money for the garrison, was afraid of meeting the serjeant Mor; he therefore requested that the stranger would accompany him on his road. The other agreed; and while they walked on they talked much of the serjeant and his feats, the officer using much freedom with his name, calling

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and Dumbarton, had not only frequent encounters with their southern neighbours, but likewise with the marauders from Lochaber, Badenoch, and the north, whom they sometimes attacked, when returning laden with spoil from their

him robber, murderer. 'Stop there,' interrupted his companion, 'he does indeed take the cattle of the whigs and sassanachs; but neither he nor his Kearnachs ever shed innocent blood, except once,' added he, 'that I was unfortunate at Braemar, when a man was killed; but I immediately ordered the *creach* [the spoil] to be abandoned and left to the owners, retreating as fast as we could after such a misfortune.' 'You,' says the officer, 'what had you to do with the affair?' 'I am John Du Cameron—I am the serjeant Mor; there is the road to Inverlochy—you cannot now mistake it. You and your money are safe. Tell your governor to send in future a more wary messenger for his gold; tell him also, that though an outlaw, and forced to live on the public, I am a soldier as well as himself, and would despise taking his gold from a defenceless man who confided in me.'" I know not if the feeling be correct, but I never could hear the sequel of this man's story without regret. He was betrayed by a treacherous associate, and executed at Perth, on the 23d November, 1753. App. to General Stewart's Sketches, b. i. pp. 24, 25. "Robert Macgregor Campbell, better known as Rob Roy, at the period to which the above sketch refers, was a substantial highland drover; but in consequence of the union, a large speculation in black cattle, in which he and the duke of Montrose were partners, having failed, the duke would not agree to be a sharer in the loss, and Macgregor refusing to settle accounts on any other principle, kept the whole, which he spent in the interest of the pretender, 1715, and Montrose then got possession of Craigrostan [Rob Roy's lands] on account of his bond. This rendered Macgregor desperate. Determined that his grace should not enjoy his lands with impunity, he collected a band of about twenty followers, declared open war against him, and gave up his old course of regular droving, declaring that the estate of Montrose should in future supply him with cattle. He kept his word, and for nearly thirty years, that is, till the day of his death, levied regular contributions on the duke and his tenants, not by nightly depredations and robberies, but in broad day, and in a systematic manner; at an appointed time making a complete sweep of all the cattle of the district; always passing over those not belonging to the duke's estate, as well as the estates of his friends and adherents. And having previously given notice where he was to be by a certain day with his cattle, he was met there by people from all parts of the country, to whom he sold them publicly. These meetings or trysts were held in different parts of the country; sometimes the cattle were driven south, but oftener to the north and west, where the influence of his friend the duke of Argyle protected him. When the cattle were in this manner driven away, the tenants paid no rent, so that the duke was the ultimate sufferer. But he was made to suffer in every way. The rents of the lower or cultivated farms were paid partly in grain and meal, which was generally lodged in a storehouse, called a girdel, near the loch of Monteith. When Macgregor required a supply of meal, he sent notice to a certain number of the duke's tenants to meet him at the girdel on a certain day, with their horses to carry home his meal. They met accordingly, when he ordered the

predatory expeditions. The clan Farquharson, and the highlanders of Braemar, were placed in similar circumstances with regard to the lowlands of the counties of Banff, Aberdeen, and Kincardine, and the Atholmen again, were as advantageously situated for those of Perth, Stirling, and Angus; the borderers thus kept in constant activity were always prepared to turn out when their services were wanted, and ready at the call when any adventurer could prevail upon their chiefs to follow his standard.

horses to be loaded, and giving a regular receipt to his grace's storekeeper for the quantity taken, he marched away, always entertaining the people very handsomely, and careful never to take the meal till it had been lodged in the duke's storehouse in payment of rent. When the money rents were paid, Macgregor frequently attended. On one occasion, when Mr. Graham of Killearn [the factor] had collected the tenants to receive their rents, all Rob Roy's men happened to be absent, except Alexander Stewart, 'the bailie'—a name given him because before him people were sworn when it was necessary to bind them to secrecy. With this single attendant he descended to Chapellairoch, where the factor and the tenants were assembled. He reached the house after it was dark, and looking in at a window saw Killearn, surrounded by a number of the tenants, with a bag full of money which he had received, and was in the act of depositing in a press or cupboard; at the same time saying, he would cheerfully give all the bag for Rob Roy's head. This ratification was not lost on the outside visitor, who instantly gave orders in a loud voice to place two men at each window, two at each corner, and four at each of two doors, thus appearing to have twenty men. Immediately the door opened, and he walked in with his attendant close behind, each armed with a sword in his right, and a pistol in his left hand, and with dirks and pistols slung on their belts. The company started up; but he requested them to sit down, as his business was only with Killearn, whom he ordered to hand down the bag, and put it on the table. When this was done, he ordered the money to be counted, and proper receipts to be drawn out, certifying that he had received the money from the duke of Montrose's agent as the duke's property, the tenants having paid their rents, so that no after demand could be made against them on account of this transaction; and finding that some of the people had not obtained receipts, he desired the factor to grant them immediately, 'to show his grace,' said he, 'that it is from him I take the money, and not from these honest men who have paid him.' After the whole was concluded, he ordered supper, saying, that, as he had got the purse, it was proper he should pay the bill; and after they had drunk heartily for several hours, he called for his 'baillie' to produce his dirk, and lay it naked on the table. Killearn was then sworn that he would not move from the spot for an hour after the departure of Macgregor, who thus cautioned him, 'If you break your oath, you know what you are to expect in the next world, and in this,'—pointing to his dirk. He then walked away, and was beyond pursuit before the hour expired." Stewart's Sketches, Append. 21. Rob Roy died peaceably in his bed when nearly eighty years of age.

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Attach-
ment of the
clans to the
Stuarts,

XLVII. With the religious disputes of their neighbours they were unacquainted, and what little semblance of christianity was among them, and which had been ingrafted on or superseded their ancient superstition, was either Romish or episcopalian. But the victories of Montrose had been the theme of admiration in the north and the east, and from Blair to Badenoch, they had shared in the glory and the spoil. The attachment which this created or confirmed for the cause of the Stuarts was strengthened by the policy of Charles II. who sent back a host collected from the same quarters, if not covered with laurel at least laden with plunder; and James had, by every mark of attention and regard, endeavoured to attach to himself the most powerful of the chiefs.* The transient flash of Dundee, who blazed and expired, awakened all the sympathies of the highlanders, who, never having been exposed to the suffering and wretchedness their fellow-subjects had experienced from the tyranny of the deposed despot, had been taught to think of him only as an unfortunate monarch, whose rebellious subjects had first murdered a martyr father, and then dethroned his holy son.

strengthened by the
neglect of
the govern-
ment.

XLVIII. Part even of an educated public, the descendants of presbyterians, a few years after, forgot in their misfortunes, the crimes of the forfaulted delinquents; but among the clans, where they had never been heard of but through the songs of their bards, or the tales of their senachies, as the last of a long line of kings, as the chief of their chiefs, whose ancestors had led their forefathers to victory and conquest, there was a universal feeling in favour of the exiled family; which was greatly strengthened by the neglect of the succeeding government, who, occupied in other and more personal intrigues, never appear properly to have appreciated the value of the highland population, till their

* In his instructions to his son, he inculcates the same mode of proceeding in him; "the body of the nobility and gentry," he says, "are all loyal, and the generality of the commons benorth the forth, and all the highlanders except the Campbells. Be kind to the highlanders, especially those who have always stuck to the crown, let their chief dependence be on the crown, without doing wrong to such of the nobility as have interest in these parts, as the true interest of the crown is to keep that kingdom separate from England." Mem. v. ii. p. 635.

last unexpected irruption rendered them terrible as they had been unheeded. The number of young able-bodied men, whom the various clans could raise with facility, was estimated at nearly 32,000.* They mustered according to their clans, and the same order of rank was observed in the day of battle as in their other arrangements; the chief was supported by his nearest relations, and the private men also were marshalled by their degrees of kindred. With the political parties of the country the highlanders were as little acquainted as with the religious; whatever side they were to range upon was a matter not of reasoning but of feeling, and these feelings were generally regulated by the conduct of their chief; their mountain barriers were not more impenetrable to his alien enemy than to information that he considered hostile to his interest.

XLIX. In closing these remarks I must observe, that a line of distinction should be drawn between the higher and lower grade of population in the highlands as elsewhere; they were not, by any moral miracle, exempted from the usual lot of humanity, nor are we to judge of the whole from a few noble instances preserved of elevated sentiment and distinguished generosity among the lowest. The careful preservation of these anecdotes, and the enthusiasm with which they are repeated, prove the contrary—that they were exceptions from the general practice, not the everyday conduct of the population, that they were examples for imitation, not specimens taken at random from the general mass. And, to account for their loyalty, it must not be forgotten that their innate love of plunder—the certain and sure mark of a semi-barbarous people—had always been gratified on the jacobite side; nor could any principle of loyalty or devotion to their chief, retain them together in opposition to this passion. In Montrose's wars, whenever they had accumulated a quantity of spoil, they deserted the

General
character.

* About the year 1740, some low country gentlemen on a visit to the highlands, being hospitably entertained by one of the chiefs, used the liberty to ask him "what might be the rent of his estate?" I can raise five hundred men, was the reply of one of the Macdonalds. Argyle and his dependants were almost the only highlanders who were attached to the cause of the covenants and remained true to revolution principles, and staunch to the protestant succession, as stated in the lord president's memorial.

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Impolicy of
the preten-
der.His decla-
ration.

standard of their king and the ranks of their leader, and returned to their mountains to deposit their plunder. It was the same under Dundee; and the same disposition lost them all the fruits of Killiecrankie.*

L. It ought therefore to have been the primary, as it was the natural policy bequeathed to the pretender, to have embarked without waiting for the tardy and ungracious succours of France, to have thrown himself, in his desperate circumstances, at once into the arms of our high-spirited and too generous race of mountain chiefs;—several of whom had urgently entreated him to pass over into Scotland, if only with as many followers as were sufficient to protect him against the civil power of his enemies till they could join him with their vassals;—and when he called upon them to risk all that was dear in his service, to have shown that he possessed at least one quality which mountaineers have ever prized; but courage was none of the hereditary virtues of his house. Along with Hooke he sent a declaration of war, together with an assurance, “that as soon as they should appear in arms, and have declared for us, we design to come in person to their assistance with the succours promised us by the most christian king, which cannot be obtained till they have given the evidence of their dispositions.” The declaration confirmed the assurance, and ran thus: “James the Eighth, by the grace of God, king of Scotland, &c. &c. to all our loving subjects of our ancient kingdom of Scotland, greeting,—Whereas we are firmly resolved to repair to our said kingdom, and there to assert and vindicate our undoubted right, and to deliver all our good subjects from the oppression and tyranny they have groaned under for above these eighteen years past, and to protect and maintain them in their independency, and all their just privileges which they so happily enjoyed under our royal ancestors, as soon as they have declared for us; we do, therefore, hereby empower, authorize, and require, all our loving subjects to declare for us, and to assemble in arms, and to join

* Letters from a gentleman in the north of Scotland, Letter xix. Introd. to Hume's Hist. of the Rebellion. Introd. to Stewart's Sketches. Cullo-den Papers. Stuart Papers. Macpherson's State Papers. Johnson's Tour. Boswell's Tour.

the person whom we have appointed to be captain general of our forces when required by him, and to obey him, and all others under his command, in every thing relating to our services; to seize the government and all forts and castles, and use all acts of hostility against those who shall traitorously presume to oppose our authority, and to lay hold and make use of what is necessary for the arming, mounting, and subsisting our forces, and obstructing the designs of our enemies."

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LI. Nothing could have been better calculated than this declaration to depress the spirits of James's adherents, and deter all but determined jacobites from aiding in the restoration of a prince who gave no pledge for the security of either religion or liberty. But the intrigues at St. Germain—*that satire upon courts—*were not less violent or active than if the inheritor of the empty title had possessed the entire power of the British crown. Middleton and the ex-queen formed one party, who were in communication with the duke of Hamilton; the earl of Perth and the pretender corresponded with the duke of Athol;* neither of them were, however, adequate for the prompt and decisive measures requisite in the urgency of the case; and as they perceived that France had no serious intention of favouring their cause, they, in despair of themselves, dissuaded their friends from any exertion.†

Discourages his adherents.

LII. When Hooke arrived in Scotland in the latter end of March, the favourable moment had elapsed. The treaty for the union had been concluded; and the parties were in a state of such mutual exasperation against each other, that it is doubtful whether even a formidable French force would have been able to effect any thing of importance. As upon the former occasion, the emissary attached himself to one section of the jacobites. He landed at Slaines castle, a seat of the earl of Errol's on the coast of Buchan, whither the countess dowager, a sister of the earl of Perth, had come expecting him. From her he received an account of the state of Scotland, in the highest degree flattering to the views of

Hooke lands at Slaines castle—flattered by the countess of Errol.

* Lockhart's Papers, v. i. p. 229. v. ii. p. 75.

† Stuart Papers. M'Pherson, vol. ii. 1707.

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Hamilton's
prudence.

the pretender, and letters from the high constable, expressing great impatience to see him, and adding, that all the well-affected would exert themselves to the utmost on this occasion as their last resource, being persuaded that at the worst they would obtain better conditions sword in hand than those of the union. The duke of Hamilton too had forwarded despatches, but with more discretion. He declined communicating with the spy otherwise than personally, and expressed his opinion that nothing could be done without the presence of the king.

He declines
a visit from
Hooke.

LIII. Errol continued in habits of intimacy with Hamilton, yet he suspected his connexion with the court; and his mother communicating these suspicions to Hooke, the latter immediately sent off an express for his advice, and a note to Hall, a priest, the duke's agent, informing him that he would do himself the honour of waiting upon his grace without delay. Hamilton prudently fell sick, and could not accept the proffered visit. The high constable came north, though he also wisely was on the reserve with the colonel; he produced three letters—one from Innes, almoner to the ex-queen, desiring “the friends of the pretender-king to follow the directions of the duke of Hamilton, and not declare themselves till he had declared himself, when they might do it without danger”—unwittingly an excellent and a safe advice; another from Stair, secretary to lord Middleton, informing a friend in Edinburgh of Hooke's mission, which he assured him was only a feint, and that the French king would do nothing for the Scots; and a third, which mentioned that the friends of the exiles “had nothing to hope, and were greatly to be pitied.”

Errol ex-
poses the
perfidy of
his mis-
sion.He pro-
duces his
credentials.

LIV. Without appearing disconcerted when these damning proofs of his perfidy were produced, Hooke, who was prepared for accidents, handed the high constable a letter from the French king, and another from the pretender, along with his credentials, with which his lordship seemed satisfied, and said he would consult his friends respecting a treaty. Hooke, however, whose powers did not authorize him to treat in the usual acceptation of the word, by entering into any reciprocal engagement, assented, but with an intention of coming to no conclusion. He had opened up a communication with

the duke of Athol, and intended to play the one off against the other; but, true to his adopted country, to regulate his conduct by the disposition of the people, without much regard to the interest of the pretender. "I knew," says he, in his narrative to the French minister of war, "that the bulk of the nation was for the king of England; but I was still ignorant of the intentions of the presbyterians and of the west country people. I knew that these last were better armed than the rest, and I kept myself always ready to join with that party which they should espouse, as they would not stand in need of so many supplies, and are not so divided into different factions as the rest, and therefore it would be more easy to put them in motion at a small expense."

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Communicates with
Athol.His designs
on the
whigs.

LV. The villanous duplicity of this agent was counteracted by his ignorance and presumption; and it is highly amusing to observe how admirably he was matched by Kerr of Kersland, whom he styles the most leading man among the presbyterians, and chief of one of the most considerable.* This gentleman assured him, "that the presbyterians are resolved not to agree to the union, because it hurt their consciences, and because they are persuaded that it will bring an infinite number of calamities upon this nation, and will render the Scots slaves to the English. They are ready to declare unanimously for king James, and only beg his majesty that he will never consent to the union, and that he will secure and protect the protestant religion. The declaration, with regard to religion, ought to be in general terms. Those among the presbyterians, who are called Cameronians, will raise five thousand men of the best soldiers in the kingdom! and the other presbyterians will assemble eight thousand more. They beg that the king of England would give them officers, especially general officers, and send them powder, for they have arms already. When-

Assurances
given him
by Kerr of
Kersland.

* Kerr's original name was Crawford, but he married the heiress of Kersland, whose father had been forfeited for the rising at Pentland, and he thus gained admission among the presbyterians, which he made use of, to excite them to some extravagancies, in order to deceive the jacobites, and then betrayed both to government. As an example to his tribe, he was left to die in jail at the age of 52.

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ever his Britannic majesty shall have granted the preceding demands, and shall have promised to follow his supplies in person to Scotland, they will take arms against the government, and will give such other assurances of their fidelity as shall be desired. Provided powder be sent them, they engage to defend their own country with their own forces alone, against all the strength of England for a year, till the arrival of the king ;”—and as a crowning sheaf to the rick, he added, “ they are ready to join themselves to the friends of the king of England, whether catholics or episcopals !”

Manœuvring be-
tween Ha-
milton and
Hooke.

LVI. In this contest of roguery, the conduct of Hamilton also was exquisite. When Hooke, who conceived that Hamilton aimed at the crown for himself, thought he had secured Errol, whom he imagined entirely devoted to the pretender, he sent a message to the duke, telling him that he had orders to address himself principally to his grace, who he knew was the soul of the whole affair, and therefore desired that he would point out a way by which he might see him in safety ; that he had hitherto entered into no measures with any one, nor would till he had his answer ; that it was now in his power to cover himself with immortal honour, and to render himself greater than any of his ancestors ; that he would remove all difficulties, and show him easy expedients that he did not think of ; that if he neglected this occasion, it would never return ; that he would ruin not only his country, but himself, the English having been too much irritated by him not to crush him ; and concluded with strong expressions of concern for his grace’s indisposition, and ardent desires to be of service to him.

LVII. Hall, the priest, brought a verbal answer. He offered a thousand compliments from the duke, begged to know the propositions he had to make to him from the king, entreated that he would come to Edinburgh, and he would use his utmost endeavours to see him. Hooke thus pressed, was forced to declare that he was not entrusted with any propositions, and had only come to receive those of the Scots ; but he would willingly proceed to Edinburgh, if he were assured that his journey would not be fruitless. Hall then told him, that indeed the duke of Hamilton earnestly

desired to see him; but, to tell the truth, he did not believe that he could, for he was bedfast, and always surrounded by his domestics, nor did his duchess ever leave him; that he was transported to hear that the king had done him the honour to write to him, but that he had likewise expected a letter from the queen of England, and as that princess had not written to him, he concluded that the scheme was not approved of by her; and he had too much respect for her judgment to concern himself with an affair of which she did not approve; that he had suspected Hooke had no propositions to make, but he must either begin with making propositions or there could be no treaty.

LVIII. The colonel, who by no means liked this coming to close quarters, replied, he would not allow himself to be so easily blinded by such weak shifts. The duke had been a long time soliciting succours, and he was disposed to promise his grace whatever supplies he wanted; it was his part, therefore, to make proposals, and after he had fully weighed them, he would do his utmost to satisfy him, as he had full authority to promise every thing which he thought necessary, and would not hesitate in agreeing to whatever was reasonable,—Mr. Hall answered, that the duke had charged him to learn what support the French king would give to the Scots. Hooke told him it was not yet time to talk of succours; that it was proper first to know perfectly the forces which the well-affected could raise, and the means they had to support them; but, in the meanwhile, he would inform him, that although the king had a great desire to befriend the Scots, and was willing to assist them to make war, he was by no means disposed to make war for them. Hall then asked if the king would grant ten thousand men? “No! nor do I believe the Scots will be so unreasonable as to ask them,” said Hooke. “That, however,” returned Hall, “is the least the duke of Hamilton believes can be asked.” “You may tell the duke of Hamilton,” rejoined the emissary haughtily, “that it is not usual to behave thus to a great king; I would advise him not to ask the half, and perhaps, after examining every thing, it may be found that the Scots have no need of foreign troops, but,” livening his tone, he added, “you may tell the duke of Ha-

Conference
between
Hall and
Hooke.

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Hamilton
finally de-
clines an
interview.

milton from me, that I have something very particular to say to him, which I can mention to nobody but to himself; and I have so much respect for him, that I shall wait yet four days before I enter into a negotiation with the other lords," and they parted. Within the time specified, he received a letter from Mr. Hall. "He had found his grace the duke, he was sorry to say, in a most distressed condition, reduced to the last extremity, breathing with the utmost difficulty, having had no less than twenty-nine fits of the ague! His grace was in despair," he added, "that he could not see the colonel, that he loved and esteemed him, and would willingly give his life to have some discourse with him! He had no doubt of his friendship, and therefore begged of him to excuse his not answering the king's letter, but intended to do himself that honour with the first opportunity after he had recovered his strength; that he would concur in all reasonable measures for the restoration of the king of England, but, it was his opinion, that prince ought not to risk himself without a considerable body of troops; and he wished him a good voyage!"

Hooke des-
pairs of
his party.

LIX. Mr. Hooke, notwithstanding all these flattering compliments, having his own misgivings about the sincerity of both the duke and the priest, had recourse to a trick, which, although deservedly accounted infamous in private life, like many other villanies, is not held equally base in accredited spies—he obtained possession of some of Hall's confidential correspondence, by which he found his doubts confirmed; but having found mentioned in one of these that Hamilton had it in his power to place the king of England on the throne of Scotland without the assistance of France, although that prince should bring no more than a single page with him, he consoled himself for the treatment he had received by the discovery he had now made of the duke's certain intention of seizing the throne for himself. Revolving this idea in his mind, as he perceived that the duke had lost his interest with the nobility, he very sagely concluded that earl Marischall and viscount Kilsyth adhered to Hamilton upon this occasion—and happy had it been for themselves and their posterity that they had never departed from his policy—Lockhart of Carnwath and Cochrane of Kilmaronoch,

also declined corresponding with the colonel, who had now assumed the post of an ambassador, and was not displeased to be addressed by the title of Excellency.*—With the other jacobite lords he succeeded better.

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LX. Perfectly satisfied with the representation of Kersfield, which was confirmed by the duchess of Gordon, and a person of the name of Strachan, Hooke was now only anxious to conceal from the duke of Hamilton and his friends the flattering assurances he had received from the presbyterians, and to conclude his final arrangements with his rival Athol. That nobleman, however, not choosing to appear, privately deputed his brother, lord James Murray, and lord Nairn,† Enters on negotiations with Athol. who with lord Stormont, and Lyon of Auchterhouse, lord Strathmore's brother, proposed sending for Strathmore and Kinnaird, to enter into a negotiation. Their first demand was the same as Hamilton's;—what succours they might expect from his most christian majesty?‡ his reply was similar; that he was authorized to promise every thing he should judge necessary, but that the succours would be regulated by their wants, which according to their own accounts, did not appear to be great. To render themselves masters of Scotland, they replied, they needed nothing but the person of the king, arms, ammunition, and money: but as they designed to penetrate to England, they would have occasion for powerful assistance.

LXI. Hooke artfully reminded them of the expedition to Eng- Conference. land in 1639, when their forefathers raised eight hundred pounds sterling a day in only three of the southern counties, which were much abler to have opposed them then than they could do now, when almost every soldier was sent to the continent. When they mentioned the probability of the troops being immediately brought from Flanders, he advised them

* Hooke says in his narrative, "that lord Strathmore's brother told him the laird of Carnwath had authorized him to sign in his name all that should be regulated with him." But Lockhart tells us himself that he expressly disapproved of the whole transaction. *Memoirs.*

† His fourth brother, lord William Murray, who had married Margaret daughter of lord Nairn, and was included in the patent 1681.

‡ *Stuart Papers.*—M'Pherson, 1639.

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to wait till that should happen. But said they, we have need of troops as a safeguard to the king, to give time to his friends to assemble. "Since," replied the negotiator, dexterously retorting their own boasting, "the nation, as you have said, is to rise so universally, his majesty will be in full security whenever he shall arrive among subjects so faithful and so zealous ! And a body of foreign troops, who were neither accustomed to their fare, nor understood their language, and were of a different religion, would be of more detriment than service." To this reasoning there could be no reply, and their pride forbade their objecting to the appeal the artful emissary made to the facts of their physical strength, hardy training and recent success, as evincing their superiority over regular troops. "Their own," he continued, "would become regulars in fifteen days, as all their men had been accustomed to the use of the gun from their infancy and disciplined from the age of twenty-six. There was nothing terrible in the name ; their natural intrepidity in standing fire rendered their recruits not inferior to veterans, and experience had shown that the best regiments of England could not stand before them :—witness the defeat of Mackay, when two thousand highlanders beat in a pitched battle six thousand picked Dutch and English troops.

LXII. Still, however, the Scottish nobles insisted that troops were necessary to enable them to make any impression in England, and remarked it was the obvious interest of the French king that such an impression should be made ; as the moment an invasion took place the credit of the exchequer bills, and the subsidies of the allies, would vanish ; and were the Scots to succeed, his majesty might dictate what terms he pleased. Hooke agreed that it was the French king's interest to support them, but reminded them he had other interests to support besides ; that his majesty was powerful enough to bring his enemies to reason without them, but, "that they were about to be slaves if he did not take them under his protection ; he was besides sufficiently alive to his own interest, and it was unseemly in them to attempt teaching him ;" and according to his own account of the conversation, he had the impudence to add,

“that they had adduced no sufficient reasons in support of their demand;”—but he knew he had neither the duke of Hamilton nor his priest to deal with.

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LXIII. This mode of reasoning not being satisfactory to the others, who insisted at least upon being aided with five thousand men, he got off with some degree of plausibility, by observing, that as five thousand men could not be embarked without some bustle on the first news of the preparations, the English would not fail to suspect some commotion, and would immediately seize the leading men in Scotland, which would entirely break all their measures, and frustrate their hopes for ever. Whether this suggestion had any weight, or whether they suspected the real designs of Hooke, the emissary could not conjecture, but they immediately broke off the conference, and retired to consult.

Terminates
abruptly.

LXIV. After such an open disclosure of the motives of France, and after they had been told that his most christian majesty—“without whose protection they must immediately become slaves,”—would not send them any assistance, because they were perfectly able to accomplish their object themselves without it, one would naturally have supposed that the result of the Scottish conspirators’ deliberations would have been, to dismiss at once a person who was empowered to grant nothing; and to break for ever with a court, who, without circumlocution, let them know plainly that it was to serve their own purposes alone that they wished to embroil the nation. But they had admitted the solicitor general of the late king James to their councils; and he, in the true spirit of a thorough-paced jacobite, advised them, “to refer themselves entirely to the king, and lay aside the design of concluding a treaty, in hopes that his majesty would judge most properly of their wants, and would be affected with so great a confidence in his goodness. With this advice, after communicating with his grace of Athol, they all agreed. A memorial was drawn up to the following effect: “We, the underwritten peers and lords, having seen the full power given by his most christian majesty to colonel Hooke, do, in our own names, and in the name of the greatest part of this nation, whose dispositions are well known to us, accept the protection and assistance of his most

Memorial
presented
to the king
of France.

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State of
public
opinion.

christian majesty, with the utmost gratitude :—and we take the liberty to lay before his said majesty, the following representation of the present state of this nation, and of the things we stand in need of :—

“The greatest part of Scotland has always been well disposed for the service of its lawful king ever since the revolution, as his most christian majesty has often been informed by some among us, but this good disposition is now become universal ; the shires of the west, which used to be the most disaffected, are now very zealous for the service of their lawful king. We have desired colonel H. to inform his most christian majesty of the motives of this happy change. To reap the benefit of so favourable a disposition, and of so happy a conjuncture, the presence of the king our sovereign will be absolutely necessary ; the people being unwilling to take arms without being sure of having him at their head. We have desired colonel Hooke to represent to his majesty the reasons of this demand. The whole nation will rise upon the arrival of their king ; he will become master of Scotland without opposition, and the present government will be entirely abolished.

Amount of
disposable
force.

“Out of this great number of men we will draw twenty-five thousand foot, and five thousand horse and dragoons, and with this army we will march straight into England ; we and the other peers and chiefs will assemble all our men, each in his respective shire. The general rendezvous of the troops on the north of the river Tay, shall be at Perth ; those of the western shires shall assemble at Stirling, and those of the south and east at Dumfries and Dunse. Those that shall be nearest the place where the king of England shall land, shall repair to him. We have computed the number of men which will be furnished by each of the shires that we are best acquainted with ; and we have desired colonel Hooke to inform his most christian majesty thereof.

Means of
subsistence.

“For the subsistence of these troops, there will be found in our granaries the harvest of two years ; so that a crown will purchase as much flour as will keep a man two months. There will be commissaries in each shire to lay up the corn in the magazines, in such places as shall be thought most

proper ; and commissaries-general, who will take care to supply the army with provisions, wherever it shall march. The same commissaries will furnish it with meat, beer and brandy, of which there is great plenty all over the kingdom. There is of woollen cloth in the country enough to clothe a greater number of troops, and the peers and other lords will take care to furnish it. There is a great quantity of linen, shoes, and bonnets for the soldiers ; they will be furnished in the same manner as the woollen cloths. Of hats there are but few. The same commissaries will furnish carriages for the provisions, the country abounding therein. The inclinations of all these shires—excepting those of the west—for the king of England have been so well known, and so public at all times since the revolution, that the government has taken care to disarm them frequently, so that we are in great want of arms and ammunition. The highlands are pretty well armed after their manner. The shires of the west are pretty well armed. The peers and the nobility have some arms. There is no great plenty of belts and pouches, but there are materials enough to make them. The few cannons, mortars, bombs, grenades, &c. that are in the kingdom, are in the hands of government. No great plenty will be found of hatchets, pick-axes, and other instruments for throwing up the earth ; but there are materials for making them. Commissaries will be appointed to furnish cattle for the conveyance of the provisions, artillery, and carriages, the country being plentifully provided therewith. There are some experienced officers, but their number is not great.

Great want
of arms, &c.

“ With respect to money, the state of the nation is very deplorable. Besides that the English have employed all sorts of artifices to draw it out of the kingdom, the expedition of Darien has cost large sums ; our merchants have exported a great deal : we have had five years of famine, during which we were obliged to send our money into England and Ireland to purchase provisions ;* and the constant residence of our peers and nobility at London has drained us of all the rest. What our nation can contribute towards

State of
their finances.

* Query—how does this agree with two year's stock in the girnel ?

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the war is therefore reduced to these two heads;—the public revenue, which amounts to one hundred thousand, five hundred pounds sterling a-year,—and what the nobility will furnish in provisions, clothes, &c.; the quantities and proportions of which will be settled upon the arrival of the king of England.

Their request respecting troops,

and officers.

“Having thus set forth the state of the nation, we most humbly represent to his most christian majesty as follows: That it may please his most christian majesty to cause the king, our sovereign, to be accompanied by such a number of troops as shall be judged sufficient to secure his person against any sudden attempts of the troops now on foot in Scotland, being about two thousand men, who may be joined by three or four English regiments now quartered upon our frontiers. It would be presumption in us to specify the number; but we most humbly represent to his majesty, that the number ought to be regulated according to the place where the king of Scotland shall land. If his majesty lands north of the river Tay, a small number will suffice for his security, because he will be joined in a few days by considerable numbers of his subjects; he will be covered by the river Tay and the firth of Forth, and all the shires behind are faithful to his interests. But if, on the contrary, his majesty lands upon the south-west or south coast, he will want a large body of troops, on account of the proximity of the forces of the English, and of their regular troops. We believe that eight thousand men will be sufficient. But with respect to the number of the troops, we readily agree to whatever shall be settled between the two kings; being persuaded that the tenderness of the most christian king for the person of our sovereign falls noway short of that of his faithful subjects. We also beseech his majesty to honour this nation with a general to command in chief under our sovereign, of distinguished rank, that the first men of Scotland may be obliged to obey him without difficulty; and to cause him to be accompanied by such general officers as the two kings shall judge proper. The peers and other lords, with their friends, desire to command the troops they shall raise in quality of colonels, lieutenant-colonels, captains, and ensigns, but we want majors, lieutenants,

and serjeants, to discipline them. And if our enemies withdraw their troops from foreign countries to employ them against us, we hope that his most christian majesty will send some of his over to our assistance.

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“The great scarcity of money in this country obliges us to beseech his most christian majesty to assist us with an hundred thousand pistoles, to enable us to march straight into England. We stand in need also of a regular monthly subsidy during the war; but we submit in that article to whatever shall be agreed upon by the two kings.

Money.

“We likewise beseech his most christian majesty to send with the king, our sovereign, arms for twenty-five thousand foot, and five thousand horse or dragoons, to arm our troops, and to be kept in reserve, together with powder and balls in proportion, and some pieces of artillery, bombs, grenades, &c. with officers of artillery, engineers, and cannon-eers. We submit in this also to whatever shall be settled between the two kings.

Arms.

“We have desired colonel Hooke to represent to his most christian majesty the time we judge most proper for this expedition, as also the several places of landing, and these for erecting magazines, with our reasons for each; and we humbly beseech his majesty to choose that which he shall like best. And whereas several of this nation, and a great number of the English, have forgot their duty towards their sovereign, we take the liberty to acquaint his most christian majesty, that we have represented to our king what we think it is necessary his majesty should do to pacify the minds of his people, and to oblige the most obstinate to return to their duty, with respect to the security of the protestant religion, and other things it will be necessary for him to grant to the protestants. We most humbly thank his most christian majesty for the hopes he has given us by colonel Hooke, of having our privileges restored in France, and of seeing our king and this nation included in the future peace; and we beseech his majesty to settle this affair with the king, our sovereign. We have fully informed colonel Hooke of several other things which we have desired him to represent to his most christian majesty.

General
remarks.

“And in the pursuit of this great design, we are resolved

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mutually to bind ourselves by the strictest and most sacred ties to assist one another in the common cause, to forget all family differences, and to concur sincerely, and with all our hearts, without jealousy or distrust, like men of honour, in so just and glorious an enterprise."

Signatures
to the me-
morial.

LXV. This deed was signed by Errol, Panmure, Stormont, Kinnaird, James Ogilvy of Boyne, N. Moray, N. Keith Drummond, Thomas Fotheringham of Pourie, and Alexander Innes of Coxtoun; and is extremely valuable, as the first regular bond of association among the jacobites, as showing the terms upon which they would have agreed to receive back again the excluded family, and as giving a view of the resources of Scotland at the time, drawn up by men who had no interest in overrating them, and after much calm deliberation. At the same time, the ready credence which they gave to Kerr's representations regarding the presbyterians in the west, shows how easily the most acute may be imposed upon when their inclinations aid the deceit.

Proxies.

LXVI. Besides those who personally put their names to the memorial, the following are said to have signed by proxy; but it is somewhat questionable whether liberties may not have been taken by the zealots of the party in giving the signatures of some from whom they had no express authority—as, for instance, Lyon of Auchterhouse for the laird of Carnwath; and I am strongly inclined to believe, that Athol, who pleaded sickness, exercised a little of the political wisdom of Hamilton. Stormont, however, affixed his name, and was also responsible for the earls of Niddesdale, Traquair, Galloway, and Home, lords Kenmure, Nairn, Sinclair, Semple, and Oliphant. Lord Drummond and the laird of Logie signed sweepingly "in the name of the others," that is to say, according to the interpretation of Mr. Hooke, "in name of all the chieftains of the west of Scotland." Murray of Abercairny acted for the lairds of Fintree and Newton. Lord Breadalbane declined affixing his feeble signature, being now near eighty years of age, but promised every thing that could be expected from a person in his situation. Strathmore promised for the earls of Wigton and Linlithgow. The laird of Pourie was not less comprehensive than lord Drummond; he signed "for the whole county of Angus," at the

same time giving Hooke a list of all the men of family of whom he said he was certain. The duke of Gordon would not sign, from a principle of attachment to the king, as he could not prevail upon himself to think of exposing this prince to the dangers of war, though at the same time he owned his presence in Scotland would be worth ten thousand men! Innes of Coxtoun signed for the earl of Moray and the laird of Grant, and Errol for the earls of Caithness, Eglinton, Aberdeen, and Buchan, for lord Salton and the shires of Aberdeen and Mearns. Earl Marischall, like Athol and Hamilton, was on the sick list; but he sent the laird of Keith to make offer of twenty-eight field pieces, and two battering cannon, lying at his castle of Dunnottar.

LXVII. The instructions which Hooke received were in accordance with the memorial, and prove that the presbyterians could have had no concern in the transaction; as, in order to calm the minds of the people, they requested him to desire the king of England "not to promise any thing particular upon the head of religion," but to say that he would be directed therein by his first parliament. They hoped too that the prince would grant a general amnesty without any deception; and that he would promise to release from their obligations to their superiors, all the vassals of such as should oppose him, that these vassals might be free to take arms for his service; as the only four principal chiefs that favoured the union were hated by their vassals, who only wanted this assurance of freedom to forsake their lords and join his majesty upon his landing. "The other peers, and those who had swelled the majorities in favour of the union," they added, "were men of no family or fortune in Scotland, but had been advanced to that rank on purpose to carry the measure;" and as an irresistible conclusion to the whole, the emissary was directed to represent "that the French were as much loved in Scotland as they were hated in England; that the Scots still retained a pleasing remembrance of their ancient alliances; preserved several French idioms and turns of expression in their language; that France therefore was always dear to them, and that they promised themselves the deliverance of their

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Duke of
Gordon's
reason for
not signing.Instruc-
tions to
Hooke.

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Places pro-
posed for
the pre-
tender's
landing.

country, and the restoration of their king under his royal master's protection.

LXVIII. Three places were proposed for the pretender's landing; first Leith, because ships could ride there in safety, and he would be immediately master of Edinburgh, of all the higher courts, of the sources of money and of trade, and would, without a blow, disperse the present government. The inhabitants of the city irritated at being deprived of their legislature, were described as anxious for his arrival, and the possession of his ancient capital, while it gave a splendour to his enterprize, would strike terror in his enemies; he would at once be placed in a rich and fertile country, abounding in provisions, and where the chief cavalry force of his friends lay, where the strength of the north could be most easily mustered, and where the roads for England were excellent and open; and two days would carry an armament from Dunkirk to the Forth. Kirkcudbright, in Galloway, was mentioned as the next, being situated in the midst of the presbyterians, and in the neighbourhood of shires that could furnish the greatest number of horses; where they could easily communicate with their friends in the north of England, and receive supplies which they expected from Ireland; and the passage from Brest was short and easy. The third was Montrose, which was recommended as a place naturally strong, and capable of being still more strongly fortified by art, situate in the heart of a fine country, where the king would be in the midst of his friends, while all the others behind were staunch to his interest. But to this last there were important objections; if a landing were effected there, it would be easy for the enemy to seize the passes, and then the army would have two great arms of the sea to cross ere they reached the capital, or be obliged to march by a circuitous route of a hundred and fifty miles, while the country would be wasted before them, and their route to the south obstructed; and besides, the harbour could not admit of ships of the line. To Kirkcudbright likewise there were some demurring, as the jacobites could not altogether trust the king among their new friends the presbyterians, lest by too early access they

might corrupt the royal ear. Leith, therefore, only remained unobjectionable, but the choice was left to his most christian majesty, as was the season of the year. The memorialists, however, suggested either the month of August or September, as the campaign would be far advanced, and a small body of troops might be detached without danger; and especially as the British fleets would then be on the coast of Spain or Portugal.

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LXIX. When Hooke had thus finished his negotiations, he took leave of his dupes with many assurances that the king of Scotland should be among them in August, and embarked on board a French vessel which had waited for him upon the north coast, carrying with him proffers of allegiance and submission to the pretender from the principal jacobites of the Atholian party. The Hamiltonians continued their communications with Middleton; and the duke, in a letter sent by Hooke, or at least published along with the other letters, in the secret history of Hooke's negotiations,*—for obvious reasons written in cyphers—expressly disapproved of the memorial, and of the colonel's unguarded conduct in Scotland; represented the hopelessness of any attempt upon England without a large force—at least fifteen thousand men, and the futility of making any attempt at all which aimed at Scotland alone; and with a laudable frankness informed the pretended king, that he had frequented his friends in England as much as another, but that he had not found the number very large: and although Hooke, on his return to Versailles enjoyed a triumph over the latter, it was all the immediate effect his mission appeared to have produced; the year passed away, and the hope of the exile was still deferred.

Hooke
leaves Scot-
land.

Hamilton's
disapproval
of the me-
morial, and
of the ex-
pedition.

LXX. But the crisis of Louis's fortune seemed to have come, and the tide of adversity that had rolled so strong against him, appeared to have taken a turn; the duke of Berwick, had gained the decisive battle at Almanza, that fixed a Bourbon on the throne of Spain, and the war in the

Favourable
change in
Louis' af-
fairs.

* This letter, I apprehend, although it has found its way among Hooke's correspondence, must have been originally intended for the earl of Middleton, to be by him laid before the pretender—it was neither addressed nor signed.

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Scottish
expedition
laid aside.

Netherlands had languished. Amid this returning success the affairs of Scotland remained forgotten, and those of the jacobites who were disgusted with the behaviour of Hooke, complained openly that France had again deceived them, and when they found their assistance unnecessary for their own selfish purposes, they cared no more about them or their king.

Discontent
of the Scots
at the union
increased.

LXXI. A great deal of the apparent inconsistency which the narrative of Hooke's mission involves, may be reconciled by adverting to the state of almost universal outrageous discontent which the conflict with English revenue officers—already noticed—was calling forth; and even the friends of the union, in their representations upon the subject, confessed that many of those who had joined most cordially with them, were repenting, and would willingly wish it undone; while many who had opposed it from no love to the exiled family, reduced to penury by its inauspicious commencement, would not hesitate in adopting the most desperate measures to produce a rupture. The convention of royal boroughs, which met at Edinburgh about the same time, were addressed by the merchants and ship-owners, whose property had been seized in the Thames, in language which might easily have led strangers to imagine that they were ripe for revolt;

Representa-
tion re-
specting the
vessels and
goods seiz-
ed by the
English.

“our goods,” said they, “which were allowed to be imported to Scotland before the commencement of the union, which were entered, and paid her majesty's duties, which were sent to England upon the faith of the union, and for which, before transportation, we obtained coasting docquets, approved by the attorney-general at London, transmitted to the lords of the treasury here, and by them delivered to the officers of the customs, upon which we had good ground to rest secure; yet to our astonishment, not only have our ships and goods been seized, but the goods themselves made havoc of and embezzled, and our seamen impressed; treatment so insupportable, that all the promised advantages of the union have become only so many traps to ensnare us to our inevitable ruin.”

Aggravated
injustice of
this step.

LXXII. The injustice of this proceeding on the part of the English was aggravated, by being exercised towards men of small capital, the whole of whose limited fortunes were ven-

tured in one speculation; and the mischief was very widely spread, as the wine merchants then chiefly concerned, were, in general, the younger sons of gentlemen, who embarked their slender patrimony of perhaps three or four hundred pounds sterling, in this genteel line of trade. Their feelings were allowed to rankle till the month of November, when the first British parliament met. On the 6th the queen delivered her speech, and adverting to the union, remarked, that “in a work so great and new in its kind, it was impossible but that some doubts and difficulties must have arisen, which she expressed her hopes were so far overcome as to have defeated the design of those who would have made use of that handle to foment disturbances; and earnestly recommended to their serious attention “the several matters made liable by the articles of the union, to the consideration of the parliament of Great Britain, together with such others as might reasonably produce those advantages that, with due care, would most certainly arise from that treaty.”

British
parliament.

LXXIII. As the terrors of the English mercantile world had subsided, and nearly one half of the French wines imported by the Scots had been destroyed or kept out of the market by the detention of their vessels and their cargoes, the commons agreed, in an address to the queen, that she would order her attorney-general to give up the prosecution of the more adventurous merchants, who had risked a law-suit rather than lose their entire property.

Resolution
of the com-
mons re-
specting
the detain-
ed cargoes.

LXXIV. They next introduced a bill, repealing the act of security, which had occasioned so much alarm; and, in deference to the royal suggestion, passed a series of resolutions for rendering the union more complete:—that there be but one privy council in the kingdom of Great Britain; that the Scottish militia should be regulated in the same manner as the English; that the powers of the justices of the peace should be the same throughout the whole united kingdom; that for the better administration of justice, and preservation of the public peace, the lords of justiciary should be appointed to go circuits twice in the year; that the votes for electing members to serve in the house of commons for Scotland, should be directed to the sheriffs of

Act of se-
curity re-
pealed.Resolu-
tions for
rendering
the union
more com-
plete.

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Privy council in Scotland abrogated.

the respective counties, and the returns made in like manner, as in England ; and a bill was accordingly brought in. Nothing perhaps shows more the inveterate perversity of party spirit than that the abrogation of such a nefarious instrument of power as the privy council of Scotland, should have called forth the smallest murmur of disapprobation ; yet it was opposed as despoiling Scotland of a venerable institution, and as prematurely depriving her of a vigilant superintendence while the country was unsettled, the jacobites active, and before any proper substitution could be brought forward. But the motives were obvious ; the Scottish statesmen who held the reins wished to retain them, and when they found that the defence of a mongrel board, whose atrocities were not yet forgotten, was invidious, they, after an ineffectual attempt to prolong its existence, at least for some months, were under the necessity of submitting to its being abandoned.*

Jacobites urge the king's arrival.

LXXV. August had gone by, and three months of dreary expectation had succeeded, without any appearance of Hooke's promises being fulfilled. The jacobites, who had committed themselves by their communicating with St. Germain, repeated their invitations, and enforced the necessity of the pretender's making his speedy appearance among them by every argument of honour or necessity. "Is it possible," asks the duchess of Gordon in one of her letters, "that after having ventured all to show our zeal, we have neither assistance nor answer ?" And in another she tells her correspondent, "If we are left in the uncertainty we are now in, the people will grow cool, the chieftains will fear for themselves, and will make their peace, not to have an halter always about their necks." Her husband, with equal anxiety, asked the same questions ; and even the agent of the duke of Hamilton pressed the necessity of the

* The ministry opposed the abrogation, without which Scotland would have been reduced to a worse tyranny than ever, because they wished to influence the ensuing elections ; but the peculiar state of the parties in England at the time, when it was uncertain whether whig or tory were to prevail, procured a majority to sanction the only act connected with the union, which appears to have been gratefully received in Scotland.—Burnet, vol. v. p. 378 ; De Foe, p. 594.

attempt "being made soon, otherwise the opportunity would be lost."

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1707.

LXXVI. While plied with these importunate solicitations, Louis was himself feeling all the anxiety and disadvantage of having war carried into the heart of his own kingdom. To counterbalance the effects of the victory of Almanza, the allies projected the destruction of Toulon; and in the latter end of July the duke of Savoy and prince Eugene undertook the land operations, supported by the Dutch and English fleets; but after bombarding the place, they were

Allies fail
in an attack
upon Tou-
lon.

forced to raise the siege in the latter end of August, yet not till they had prevented the reinforcement intended for Spain from marching, and filled the whole interior of France with confusion. The French ministry then, who shared in their monarch's indignation, determined to retaliate. Preparations were accordingly made at Dunkirk, but with so much secrecy that the pretender himself was not acquainted with the destination of the armament till it was nearly completed. About five thousand troops were silently withdrawn from the garrisons of St. Omers, Calais, Bergues, Aire, and Lisle; and a squadron assembled, of five sail of the line ready for action, two fitted as transports, and twenty-one frigates. The count de Fourbin commanded the sea, M. de Gace, created mareschal de Matignon, the land forces. The pretender, who assumed upon this occasion the title of the chevalier de St. George, was furnished with finely ornamented tents and elegant field equipage, the most superb services of gold and silver plate, rich uniforms for his guards, and splendid liveries for his servants, and every thing else requisite for the establishment of a monarch. The day before he left St. Germain the French king courteously waited upon him to take leave and wish him success, presented him with a valuable sword, the hilt studded with diamonds, and requested him to remember that it was French. "Should I be so fortunate," replied the chevalier, "as to obtain the throne of my fathers, I shall in person acknowledge your majesty's assistance." "I hope," returned Louis, "that I may never see you again." James hastened to join the expedition, and Louis immediately despatched an express to the pope to obtain his holy benediction.

1708.

Prepara-
tions for the
pretender's
invasion of
Britain.

His superb
equipage.

He takes
leave of the
king of
France,

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1708.

Who desires the
pope's ben-
ediction
on the en-
terprise.

LXXVII. The devil, the pope, and the pretender, formed a trio from this date, long celebrated in prose and verse in the serious and comic productions of the time; whatever connexion the first of the three had in the present adventure, the French king in his letter deemed the interest of the other two inseparably conjoined. "Holy father," so runs the pious epistle, "the great zeal which I have always had to re-establish on the throne of England king James Stuart III. is well known to you; though there was not hitherto a time proper for it, as well by reason of the conjunctures as by the unity of my enemies, which did not give me leave to act in so righteous a cause for our holy faith, the chief object of all our actions. We have now thought good to let him depart from our royal seat on the 7th of March, in order to embark himself on board a fleet, where every thing has been prepared for him, with sufficient forces to establish him on the throne, after he shall have been received on his arrival by the faithful people of Scotland, and proclaimed as their true and lawful king. I have thought it fit not to omit sending you this important news, that by your ardour the union of our holy mother the church may increase in that kingdom, and that God may prosper him while the time is favourable. It is now, holy father, your business to accompany him by your zeal and by your holy benediction, which I also ask for myself, your most loving son." The mottos upon the colours were in a similar style; besides the royal standard the other ensigns bore *Nil desperandum Christo duce et auspice Christo*—with Christ for my helper and guide I cannot despair; and *cui venti et mare obediunt, impera, Domine, et fac tranquillitatem*—thou Lord, whom the winds and sea obey, command that it be calm.

James
sends Fle-
ming to ap-
prise the
Scots of his
coming.

LXXVIII. Tantalized as the Scottish jacobites had so long been, they were delightfully surprised when they at last learned that there was some prospect of seeing their king in the midst of them; and he, as soon as he ascertained that the French court were really serious in their intentions, despatched Mr. Charles Fleming, brother to the earl of Wigton, to announce to his adherents in the ancient kingdom the grateful intelligence; to assure his loving subjects that he was coming with all possible diligence to assert his right, and

protect them in their religion, liberty, and trade, conform to the law ; and that he was bringing with him a sufficient force, a “good sum of money,” arms, ammunition, and every other requisite. Fleming was also instructed to give positive orders to a select number of the nobility and gentry to seize suspected persons with their horses ; to prevent the public money from being sent without the shires ; to renew their correspondence with the north of England and Ireland, and any private dealings they might have had with forts and garrisons ; and to have gentlemen ready on the east coast of the Lothians, and other parts of the coasts of Fife, Angus, and Mearns, that upon a signal which should be agreed on, and given from the first ship that appeared, they might be ready to come off with full accounts of the state of the country, and bring along with them some knowing pilots who understood the depth along the shores.

LXXIX. Fleming landed at Slaines castle in the beginning of March ; and Errol instantly despatched a messenger, Mr. George, a skipper in Aberdeen, to Malcolm of Grange, to make the requisite preparations. The same express had also orders for the pretender’s friends in Fife and Lothian ; but unfortunately the skipper, in drinking success to the undertaking, took the most effectual method in his power to frustrate it.* Intimation was also forwarded to earl Marischall, who proceeded in person to superintend the operations in the district of Mar,† while Fleming made an excursion to Angus and Perth, where he found all the various chiefs in waiting. Lord Nairn introduced him to Athol, whose vassals had been warned five months before ; but as

* Skipper George, who was engaged to pilot the king up the Firth, was further desired in the interim to make a trip over the water to Edinburgh, and advertise captain Straiton and Mr. Lockhart of Carnwath of Mr. Fleming’s arrival and instructions ; which having accordingly done, instead of returning immediately to his post, he was so elevated with the honour of his employment, that he remained drinking and carousing with his friends in Edinburgh, till it was so late he could not have liberty to repass the Firth ; for by this time the public letters were full of the French preparations to invade Scotland. Lockhart’s Memoirs, p. 241.

† In the narrative of Charles Fleming, the earl Marischall is said to be grand bailiff of the district. Hooke’s Secret Negotiation, p. 180. As there was no such office, it is probably a mistranslation for sheriff. The earl was hereditary sheriff of Kincardine, Cowie, and Durris.

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Success
of his mis-
sion.

this nobleman had no great inclination to call them out till he knew who was to command them, the agent was under the necessity of deceiving his grace, by allowing him to believe that the duke of Berwick was to accompany his brother. Breadalbane was to keep a sharp look out after the Campbells; but the marquis of Drummond and lord Charles, sons of the duke of Perth, who, according to the treason law of Scotland, could not be attainted for their father's crime, and then resided at Drummond castle, were the most sincere in their joy, and the most active in their endeavours to forward the cause for which their father was an exile. From Perth he went to Stirlingshire, where all were as promising as he could wish, and waited only the signal of the earl of Linlithgow to range under his orders.

Rumours
of James'
arrival in
the north.

LXXX. Nicolson, the titular Roman catholic primate, had issued his mandates to the papists of the north to hold themselves upon the alert; but while all were on the tiptoe of expectation, and Fleming was [March 22] impatiently waiting at the laird of Kilmaronock's in Dumbartonshire for news of the chevalier's arrival—as when he left Dunkirk, the embarkation was to have taken place on the 4th—inauspicious rumours reached him that he had landed in the north. Unwilling at first to credit such unpleasant reports, their frequent repetition induced him to set out for that quarter. On his journey he soon learned that the rumour was unfounded; and the lairds of Keir, Touch, and Carden, who, with a colonel Graiden, and several others, deceived by similar information, had prematurely taken arms, and accompanied him for two days, on ascertaining the fact, left him and separated each to shift for himself; while he almost at the same time ascertained the unspeakably more confounding intelligence that the expedition itself had altogether failed.

Keir, &c.
premature-
ly take up
arms.

They dis-
perse.

James ar-
rives at
Dunkirk.

LXXXI. Various and contradictory reports had been assiduously circulated respecting the destination of the French armament; while it was collecting, Newfoundland, Canada, and even Poland, were severally mentioned. The Dutch, however, appear early to have suspected the British dominions; but the first certain intimation of its object was the ostentatious arrival of the pretender at Dunkirk, when he

conceived there was no further necessity for concealment, and no fear of any obstruction. Of this, instant information was sent to England, and on the 4th of March her majesty, in a message to parliament, communicated the advices she had received, that great preparations were completed at Dunkirk for an immediate invasion upon England by the French, and of the pretended prince of Wales being come to Dunkirk for that purpose. The houses replied in loyal and affectionate addresses, and two bills were immediately passed; the one enacting that the abjuration oath should be tendered to all without distinction, and that such as refused it should be in the condition of convicted recusants; the other suspended the operation of the habeas corpus act with regard to such persons as government should apprehend on suspicion of treasonable practices. The pretender and his adherents were proclaimed rebels; and adopting a measure similar to that recommended to the chevalier, all the clans of Scotland whose chiefs should take arms against her majesty were freed from their vassalage.

1708.

The queen informs parliament of the intended invasion.

LXXXII. Upon the first report of the armament, the British envoy, major-general Cadogan, made arrangements with the commander of the Dutch forces at Brussels, and the commander-in-chief of the British at Ghent, for ten battalions of British troops to hold themselves ready at an hour's notice to proceed for England, so soon as it was ascertained that the French had embarked. With a dispatch, then considered incredible, but since often surpassed, the admiralty fitted out a formidable fleet, which being joined by the Lisbon convoy, before a fortnight had elapsed forty men of war were cruising off Dunkirk under the command of sir George Byng, sir John Leake, and lord Dursley. The French who had expected to take the British by surprise were themselves completely disconcerted; on the supposition that sir John Leake had sailed with his squadron for the Tagus, they had publicly boasted that the interposition of heaven alone could disappoint their enterprise; the appearance of this fleet off Mardyke checked their confidence; the embarkation of troops was stopped; and an express despatched to Paris for new orders. Fourbin represented that he would only make an unprofitable and dishonourable

Preparations to defeat it.

An English fleet appears off Dunkirk.

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1708.

The French
admiral
wishes to
resign.

cruise, and begged to resign a command in which he perceived he could not succeed; not however because he considered effecting a landing impracticable—that he never doubted; but knowing the superiority of the English and Dutch fleets, he did not think it possible to support the troops after they were landed, to send them regular supplies, or even to conduct home in safety the fleet that had vomited them on the adverse shores.* Louis, or his ministers, however, determined on the expedition, sent positive orders to finish the embarkation and put to sea with the first fair wind.

LXXXIII. The delay was attributed to the measles, with which the chevalier pretended to be seized; but as soon as the express returned from Paris the patient got better, and the preparations went on. Fourbin, who had done his duty in representing the difficulty of the undertaking, when he saw all his representations in vain, with the gallantry, however mistaken, which belonged to the old school of French officers, omitted no opportunity of carrying into effect the will of his sovereign. An opinion was entertained by the jacobites at the time, and repeated by their copyists since, that the French court were not sincere in their attempt upon Scotland:† for this I can see no ground; I am persuaded that never any expedition left France accompanied by more sincere vows and wishes for its success than did this, and the manœuvring by which the armament quitted the shores of France, convince me that no effort of skill was wanting to carry into effect what the commander of the expedition considered the intention of his court. But the winds which blow a British fleet away from a French coast, are precisely the winds which allow a French fleet to get out of their own harbours, with all the advantage of being to windward of their opponents; whichever of the two nations, therefore, possesses superior seamanship, that nation must possess the power of throwing a force upon her enemies' shores at will, while the inferior naval power must always

Sincerity of
the French
court in this
expedition.

* Fourbin's Memoirs, quoted by Tindal, b. xxvi.

† Lockhart strenuously asserts this as his belief, but as it was merely his own opinion, and the evident ebullition of disappointment, I do not think it of any weight. Memoirs, p. 244.

depend upon accidents for accomplishing their object, and the chances against them, even in the most favourable circumstances, are as two to one; of this, all the attempts of France upon the British islands, from the battle of La Hogue to Bantry Bay, afford sufficient evidence, and the present is none of the least striking examples.

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LXXXIV. Fourbin's fleet was entirely equipped for running, not for fighting, the vessels were light and clean, and their complement of sailors was diminished, in order to accommodate the soldiers and carry the stores; these were not, however, equal to the wants or wishes of the Scots; ten thousand muskets at least had been demanded, with arms and accoutrements for two or three thousand horse; but the French minister only ordered to be put on board three thousand muskets, one thousand pair of pistols, twenty thousand pound weight of powder, two twenty-four pounders, four light field pieces, two eight inch mortars, six hundred bombs, and a train in proportion.

Its equip-
ment.

LXXXV. A hard gale, on the fourteenth of March, drove the British off the coast, and forced them back into the Downs, which moderating on the 17th, the French admiral seized the favourable opportunity, and set sail for Dunkirk about four P. M.; but the wind changing at ten, they were obliged to come to an anchor in Newport Pits, where they continued till the same hour on the nineteenth, when the wind again shifting they stood for Scotland. Their motions being observed from the steeples of Ostend, major-general Cadogan despatched a swift sailing vessel to stir George Byng with the intelligence, which induced him instantly to shape his course for the Firth of Forth, where he fortunately arrived in time to frustrate all the objects of the expedition. During the tempestuous weather that detained the French squadron off Newport, they lost three of their frigates, which were obliged to put back to Dunkirk. As they contained upwards of eighteen hundred men, and a large proportion of their supplies, a council was called in the chevalier's cabin, to consider whether they should, under these circumstances, continue their voyage, when it was decided to proceed, the chevalier himself voting in the affirmative; a consultation

The expe-
dition sails.

The British
admiral fol-
lows it.

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XXIII.

1708.

The expedition arrives in the Firth.

The British force it to retire—take the Salisbury.

was then held as to the place of landing,* and Hooke is said to have urged the north, but the advice of Middleton prevailed, and the harbour of Burntisland, in Edinburgh Firth, was fixed upon for disembarking, whence it was proposed to send a detachment to take possession of Stirling bridge, and secure the passage of the Forth. Next day it became necessary to lay-to from six in the morning till ten at night, for their stragglers; but on the twenty-third, when they discovered the coast of Scotland, they found they had overshot the mouth of the Firth, and were obliged to sail south to regain it. On entering, Fourbin sent a frigate up the river with English colours, to fire twenty cannon, the signal agreed upon, while the squadron remained at the isle of May; but the signal was not answered, and the appearance of the British fleet next morning gave the intruders notice to quit, which they did not deem it safe to dispute. Mons. le Comte, "by the favour of a gale of wind which came very timeously," gave orders to weigh and put to sea with the utmost celerity, and appointed the bay of Cromarty or Inverness, as a rendezvous in case of separation. In the afternoon a running engagement took place between the van of the British and the rear of the French, when the former succeeded in cutting off and capturing the Salisbury, a heavy sailing vessel that had formerly belonged to their own navy.

LXXXVI. During the engagement the chevalier several times intreated the count de Fourbin to put him on shore, declaring that he was resolved to remain in Scotland although none were to follow him but his domestics; a proposal to which Fourbin, after expostulating with him upon its impropriety, refused to accede. On Sabbath morning [the 29th] they had outsailed and lost sight of their pursuers, when the marshal de Matignon and the admiral, proposed to the chevalier to attempt a landing at Inverness, to which he agreed; but a gale springing up at the moment, it was found impracticable to continue their course north, and their provisions falling short, they resolved to sail direct for Dun-

* M. D'Andrezel, who mentions this council, must, I think, have mis-stated its object. As Fleming had been sent before to prepare the friends of James for his landing in the Frith of Edinburgh, it is not likely they would have hesitated, except about an alternative in case of stress of weather.—Hooke's Secret Negotiation, p. 153.

kirk, As if disappointment in every shape had been destined to attend this unlucky expedition, they now fell in with six Dutch vessels which M. Fourbin would have attacked, and, he believed, would have taken, "if he had not been charged with the person of the king of England."

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LXXXVII. Exactly a month from the date of their sailing [April 17,] the French admiral returned to the roads of Dunkirk, with four ships of war and five frigates; and, with the exception of the Salisbury, all the rest gained their ports in safety, having experienced from the tempest more disasters than from the foe; for the vessels being crowded with landsmen, and the accommodation not fitted for so extended a cruize, disease and mortality had made such progress, that the reduced numbers who were re-landed filled all the public hospitals. M. D'Andrezel closes the journal of their disasters by expressing his opinion, "that though the disembarkation had taken place, the success of the expedition would nevertheless have been very doubtful, by reason of the uncertainty both of a fit place for landing, and the succours that they were to expect to join them." Nor does he appear to have formed a very erroneous conclusion, as the resources of the jacobites were by no means adequate to the extent of the enterprise, nor in that degree of forwardness for co-operation, which would have been necessary to ensure success. The government, although perhaps taken unawares, possessed all the efficient power requisite to resist a much more formidable invasion; and the facility and promptitude with which an overwhelming force was brought to the proper scene of action, evinced that they were far from being unprepared. It is true, there were not more than two thousand five hundred soldiers under the earl of Leven in the vicinity of Edinburgh, but there were several regiments stationed on the borders, and the troops from the continent were at the mouth of the Tyne. The regiments in the south had been marched to the north of Ireland, and lay ready to come over at a moment's notice. They had likewise both artillery and ammunition, and if Edinburgh and Stirling castles were not furnished for protracted sieges, they were safe from any sudden assault. That the troops were disaffected, we have been told upon the same authority that accused the pres-

Expedition
arrives at
Dunkirk.

Govern-
ment pre-
parations.

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XXIII.

1708.

Hamilton
retires to
England.

byterians; but the more unquestionable evidence of lord Seafield assures us, that the loyalty of the latter to queen Anne, and their zeal for religion was indisputable.* The city of Edinburgh, depicted as so friendly to the pretender, presented sir George Byng, on his return from pursuing the enemy, with the freedom of the city in a gold box, in token of the high sense they entertained of his services in delivering them from his presence; and although some Dutch vessels, loaden with arms and ammunition, were stranded in the north, yet no attempt was ever made to secure them. Hamilton, the fate of whose predecessors afforded an impressive warning against rash and unsupported enterprises, withdrew to England, and left the duchess dowager to manage, who, with similar prudence, flattered the party, but declined to move in the absence of her son. Indeed, the whole circumstances of this luckless attempt were calculated to show, that however dissatisfied with the union, a great majority of the people were averse to the house of Stuart; and that, except among the chiefs of the north, and a few discontented favourers of the old regime in the south, the cause was hopeless.†

James
holds out
hopes of a
more suc-
cessful at-
tempt,

LXXXVIII. The pretender himself was of a different opinion; and while his adherents were lamenting the frustration of their hopes, and filling the state prisons of Scotland, he was dreaming over new projects, and endeavouring to console them for the failure of the last. In instructions sent them from St. Germain, dated the latter end of April, he desires his agent to assure them, "that far from being discouraged with what had happened, he was resolved to move heaven and earth, and to leave no stone unturned to free himself and others; that he proposed to come in person to the highlands, with money, arms, and ammunition, and to put himself at the head of his good subjects if he

* "All the presbyterians, and you in particular, have been very happy of having this opportunity to testify your zeal and loyalty to her majesty's person and government, and your fixed resolutions to withstand and oppose the popish pretender. This has rendered all the presbyterians very acceptable to her majesty, and has also secured to them many friends." Carstairs's Papers, p. 764.

† Hooke, 155, *et seq.* 178, *et seq.* Lockhart Papers, v. i, p. 238, *et seq.* Burnet, v. p. 383, *et seq.* Tindal, b. xxvi. Sir George Byng's Dispatches.

found them in arms, and if not, he exhorted them to rise with all convenient speed upon the expectation of his arrival, which he intended should be as soon as he received their answer; and as he was so desirous of venturing his own person, he hoped they would follow his example, as the time was critical, and not to be neglected." He also told them, that his most christian majesty would support his undertaking with troops as soon as they could be conveyed with safety, but promised, that till then he would reside in the highlands, unless encouraged by his friends in the low country to go to them. What answer he received to this communication I know not; but his hopes appear to have been so high, that he gave orders to his solicitor-general, in the month of May, to prepare a bill, in the due form of law, containing a grant to Herbert Rættiers, to be engraver-general of the mint of Scotland, and issued his orders about the several species of gold and silver he was to coin.* The name of James VIII. was, however, happily never to adorn the currency of the ancient kingdom!

LXXXIX. As soon as the bustle of the projected invasion had ceased, the attention of government was directed to the obnoxious or suspected characters. All who had been active in opposing the union, as well as those who were known to be favourers of the pretender were seized; and as parliament was upon the eve of dissolution, the political opponents of the Scottish ministry, who exhibited refractory symptoms, were either included in the list of prisoners, or threatened to be so, if they did not desist from any pretensions to stand as candidates at the ensuing election.

xc. The first British parliament terminated its sittings on the first of April, one thousand seven hundred and eight; and it was remarked, that the queen, in thanking them for the supplies, first introduced the term pretender into parliamentary language. "I take these,"—the supplies—said her majesty, "to be such undeniable proofs of your zeal and affection to my service, as must convince every body of your doing me the justice to believe, that all which is dear to you is perfectly safe under my government, and must be

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1708.

And of his
speedy ar-
rival.

Disaffected
persons
seized.

Queen's
speech on
proroguing
parliament.

* Stuart Papers, vol. ii. p. 101-2.

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XXIII.

1708.

Nobles ap-
prehended
sent to
London.Admitted
to bail—
Belhaven's
death.Irritated at
their treat-
ment.

irrecoverably lost, if ever the designs of a popish pretender, bred up in the principles of the most arbitrary government, should take place." When the royal speech had been delivered, the parliament was prorogued to the 13th, and two days after dissolved.

xci. The abolition of the Scottish privy council afforded an opportunity for exercising the power of the British. The prisoners were ordered to London for examination; and the Scots were unnecessarily insulted, by seeing their leading men, to whom they had been accustomed to look up with reverence, led in three bands to a foreign capital, to be exhibited to the raillery and gaze of an English rabble by the road, guarded as criminals before trial. Hamilton, who had been seized in England, contrived to take advantage of the state of parties, and negotiating with the whigs upon engaging to support the squadron in the election of peers to the British parliament, procured the liberation of himself and friends. Such of the others, against whom there were no particular information, after having been severally examined before the lords of the privy council, were admitted to bail—a favour extended almost to the whole of the nobility; but lord Belhaven, who was among the number, did not long enjoy the favour; grief and indignation at the treatment he had received produced inflammation in the brain, and he only survived his release a few days. The wanton indignities which they had endured, effaced, in a majority of instances, the clemency they had experienced: to noble minds degradation is worse than death; and an untamed proud nobility, were irritated rather than softened at this show of mercy, particularly as they suspected that not a few of the queen's councillors were implicated as well as themselves in the intrigues with St. Germain's. It was not easy to produce proof against even the most notorious of the suspected, which would not have involved very unpleasant consequences to the prosecutors; and any exposure of the secret intrigues and transactions which must have taken place in consequence of inquiry, it was the interest of both the parties to conceal.* Those therefore who

* Few of the public men seem to have been free from the most unprincipled double-dealing at this period; but it is excessively vexatious, that, in the

had appeared in arms, as the Stirlings of Keir and of Carden, Seaton of Touch, [vide p. 550.] were alone sent to Scotland to be tried for high treason. They were accordingly brought before the justiciary court; but, by the omission or connivance of the lord advocate, they had not been furnished with a list of the witnesses to be produced against them, and the trial having proceeded, their counsel started this objection, which the court sustained, and it proved fatal; the pannels were assoilzied.

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XXIII.

1708.

Stirlings
and Seaton
tried in
Scotland.

Acquitted.

XCII. Similar ungracious lenity was at the same time shown to an aged but convicted traitor, lord Griffin, who had been taken on board the Salisbury with two of the earl of Maitland's sons; he stood attainted by outlawry for high treason committed in the reign of William—was brought to the bar of the court of queen's bench, and a rule made for his execution; but he was reprieved from month to month, till a

Case of
lord Grif-
fin.

Stuart papers, we never can proceed with any confidence in the fidelity of the editor, and that, unless when aided by other documents, we can almost never be certain that we are not led astray by some interpolated epistle, or garbled extract. The letters published as from cipher, I should almost be tempted to treat as apocryphal. The following anecdote is given as from Mr. Carte's Memorandum Book, marked vol. xi. p. 27. "Marquis of Annandale having got into his hands an original letter of lord-treasurer Godolphin to the court of St. Germain, he, about 1708, petitioned against the election of the earl of Sutherland, one of the sixteen peers returned; and the latter was turned out to make room for him. Lord Wharton treated with him for this letter, and got it into his hands, and then forced lord Godolphin to make him lord-lieutenant of Ireland. Ch. Cæsar had at this time been sent to the tower for saying, in the house of commons, that lord Godolphin kept a correspondence with the said court; and this letter being a proof thereof, lord Godolphin durst refuse the junta nothing, but at the end of the session, in March, pressed lord Wharton to go for Ireland; and the other expressing a desire to stay till the end of the session, he assured him all the business was over, and nothing but form left, so that there was no occasion for his stay, upon which Wharton went; but the first news he heard there was, that an act of grace was passed in the parliament of England, where few things were pardoned, but all correspondence with the court of St. Germain was very particularly. Then he saw himself bit, and lord Godolphin got out of his clutches." Stuart papers, vol. i. p. 104. Lockhart, who was Wharton's nephew, and would have been delighted to have had such a story to tell, assigns a much more simple reason of Wharton's appointment:—the natural adoption by the whigs of a very obvious and common policy, that of buying off a troublesome opponent by a good place, which was done not to Wharton alone, but to several other of the tory leaders at the time.

BOOK natural death relieved him from one of the most painful of
XXIII. human feelings—suspense.

1708.
General as-
sembly—
the queen's
letter.

XCIII. Contemplating a scene of confusion, when it was ascertained that the French fleet was at sea, and even anticipating a landing, the earl of Glasgow, now third time appointed commissioner, proposed to delay the meeting of the general assembly; but all apprehension upon this head being so quickly dissipated, it sat down on the appointed day—April 15th—and was greeted with a most gracious and affectionate letter from her majesty, acknowledging her satisfaction with the zeal and regard the ministers had shown for her person and government upon the appearance of an invasion, and her confidence in their inculcating the principles of loyalty upon their people; and repeating the assurances of her firm resolution to maintain the government of the church of Scotland as by law established, and to protect them in all the rights and privileges that by law they were possessed of. The commissioner, in still stronger language, informed them that he had received her majesty's express command to give them renewed assurances of her unalterable resolution constantly to maintain the church of Scotland as by law established, and her most entire satisfaction with their good conduct.

Carstairs's
speech.

XCIV. Carstairs, who was moderator, expressed his peculiar joy at seeing her majesty again represented by his grace, in their first meeting after the mischievous attempt that had been made by the French monarch to invade that part of Great Britain, with a design to assist a popish pretender to usurp the sovereignty of her majesty's dominions—"this assembly [he continued] doth admire and thankfully acknowledge the surprising and wonderful goodness of an overruling God, in confounding a contrivance that was levelled at the ruin of our holy religion, and the civil liberty of not only these nations, but of Europe. Blessed be the God of heaven, who hath turned back the haughty enemy with shame, when swelled with hopes of success, of which he did every where confidently boast. But whatever encouragement he might have had from some in this part of the island or elsewhere, yet as it doth already plainly appear, so I am

fully persuaded that this assembly will make it manifest to the world—that the presbyterians of Scotland are too sensible of the blessings they enjoy, by the divine favour, under the government of their lawful sovereign queen Anne, and of the many advantages of the late glorious revolution of which the settlement of the protestant succession by law is none of the least; that they have too great a concern for the protestant church, and too great a detestation of popery and tyranny, and see and hear of too many dismal instances of French government, not to have an abhorrence both of the designs of Versailles, and the pretensions of St. Germaines.”

xcv. The answer to the royal letter echoed back with fervour the sentiments of loyalty and affection to the queen's person and government, for which her majesty had given the ministers credit; and they promised to excite and encourage the same principles in the people under their care. They likewise threw the moderator's speech into the form of an address to the queen; and deputed Mr. William Carstairs, their present, Mr. John Stirling, their late moderator, and Mr. Robert Baillie, with David, earl of Glasgow, as ruling elder, to wait upon her majesty, and to congratulate her upon the merciful deliverance of her dominions. Their political business was appropriately concluded, by appointing a day of thanksgiving for this seasonable appearance of divine providence; “a day,” they piously added, “to lift up our souls in blessing the God of our salvation for this and all his other wonders of mercy that he hath wrought for this church and nation; and to call all persons in this national church to give to the infinitely wise God the glory of his free goodness; taking shame and confusion of face to ourselves because of our highly-aggravated iniquities, and searching and trying our ways, and turning to the Lord from whom we have so deeply revolted—repentance, reformation, and showing mercy to the poor, being the best evidence of thankfulness for the great mercies of the infinitely holy God, and the only way to secure a continuance of our blessing.” Their ecclesiastical proceedings were in the usual routine, and differed little from those of the last meeting, except that they displayed an increasing terror at

Answer to
the queen's
letter.

Address.

A day of
thanksgiv-
ing appoint-
ed.

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1708.
Act for
ministerial
visitations.

schism, and appeared willing to resort to more rigorous methods to repress it; but they passed a most excellent act and recommendation concerning ministerial visitation of families, enforcing upon ministers the performance of that most important part of their function, the due discharge of which would go farther to prevent separation from the church than a thousand anathemas against divisive courses.*

Elections
for the new
parliament.

xcvi. Before the parliament was dissolved, the whigs had secured the ascendancy in Scotland—the attempt at invasion, which was intended to overturn, having now fairly established their power. At first, amid the universal disgust at the union, the jacobites had resolved not to attempt obtaining the return of their party to the British parliament, as they fancied they would serve the interest of the automaton they called their king, better by improving the general discontent among the people, than by any feeble opposition they would be able to offer in the legislature; but when they had reason to believe that an attempt at invasion would actually be made, they changed their tactics, and resolved to be active in the elections, because, whatever should be the result, if a new parliament met before that were decided, it would be of importance to have as many of their associates there as possible; and besides, it was deemed necessary to assume an appearance of bustle and anxiety, to obtain seats in the representation for their tory friends, that the government might be diverted from the supposition, that any other kind of efforts to obstruct the protestant succession would be made. Several months, therefore, before the dissolution, the most strenuous exertions had been used to obtain the assurance of tory returns at the next election. But after the attempt proved abortive, their evil genius, the duke of Hamilton, by his treaty, again sacrificed the projects of the party to his personal interest; and when they wished to procure admission for as many of their friends as possible, in the event of an inquiry into the late transactions, they found the nobility pre-engaged, and they knew that at no time did their interest stand high among the other ranks.

* Actings and Proceedings of the General Assembly, 1708. MS. Bib. Edin.

At the election of the peers, which took place at Holyrood-house, June the seventeenth, the duke and one or two temporizers, were chosen, but the remainder were whigs. Nor in the boroughs or counties were the tories more fortunate; they carried few of the elections: and Lockhart, who prevailed in the county of Edinburgh, was not yet wholly despaired of, as he kept up his connexion with lord Wharton, who at that time possessed much influence with the whigs.

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Whigs generally
chosen.

xcvii. The new parliament met, November 16th, and was opened by commission, as the queen's husband, George, prince of Denmark, having died during the recess, her majesty, who affectionately loved him while alive, and sincerely mourned him when dead, was unable to undergo the envied but cheerless parade of processions, nor did she attend during the session. Another splendid campaign had just closed, and the whigs continued to possess a resistless majority; but it was noticed with regret by their friends, that they supported it by measures as indefensible as those they had inveighed against when out of office. Their conduct in the house of commons, with regard to contested elections, was as partial and tyrannical as that of the tories had ever been. That of Westminster was decided against them,* but the rest were uniformly carried by them; and so open was their determination, that sir Simon Harcourt, who had been returned for Abingdon, when a petition from his whig opponent was presented, after it had been hotly debated till two in the morning, and he saw how it was likely to go before he retired, said bluntly in his parting address, "Whatever the determination of this house may be, this I am sure of, and it must be admitted, that I am as duly elected for the burrough of Abingdon as ever any man was."

Parliament.

Partial conduct of the
whigs.Contested
elections.

* On this occasion, the Scottish members exhibited a very characteristic trait, which unexpectedly turned the scale; the two opponents were Thomas Medlicot, who was named by the tories, and sir Henry Dutton Colt, the whig candidate; but sir Henry had, during the former session, thrown out some reflections upon the Scottish nation, which, when his case came to be tried, were recollected against him; for, forgetting both whig and tory, "all the Scots," [except sir Gilbert Elliot of Stobs, who deserted his countrymen,] "to show their resentment, did unanimously vote against him, and, with the help of the tories, found Mr. Medlicot duly elected, although the court and the whigs exerted themselves to the utmost against them."—Lockhart's Commentaries, p. 297.

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Supplies.Charter of
bank of
England
renewed.Eligibility
of eldest
sons of
Scottish
peers to sit
in parlia-
ment.

xcviii. The Scottish members stood aghast at the supplies, seven millions sterling being voted for the service of the coming year ! and they were only reconciled to it from the alarm industriously sounded, that a new invasion on a much larger scale was projected against their country and Ireland. But this was not the only advantage that that topic afforded ; at the time when Fourbin's fleet was at sea, a run had been made upon the bank of England by the disaffected and timorous, which had occasioned their projecting a call upon the proprietors for an additional twenty per cent. on their capital ; the shortness of the alarm rendered this unnecessary, but now when the exigence of the state required assistance, they, in return for the support they had received from the exchequer, proposed to repay the favour in the true spirit of mercantile friendship, by circulating two millions four hundred pounds of exchequer bills, provided their charter was renewed for twenty-one years, and they were allowed to double their capital ; to which government acceded, and bought the accommodation at a premium of little less than ten per cent.

xcix. After the English elections were disposed of, those of Scotland came to be considered ; and the first brought under review was upon a question new on the south side of the Tweed :—whether the eldest son of a peer was eligible as a member of the house of commons ? In England, where the whole peerage were hereditary members of the house of lords, the sons, who were always considered commoners till they succeeded to the title, had always enjoyed the rights of commons, and never been excluded from the lower house ; but the eldest sons of the Scottish nobility, formed a kind of non-descript race, who, without being considered by the nobles as peers, were not allowed to degrade themselves by representing those of a lower estate ; a natural consequence of the three castes meeting in the same chamber.

c. It has been alleged, and with much probability, that one of the principal inducements for the chief Scottish nobles to consent to the union, was the facility with which they thought they would be able to procure the election of their sons for counties and boroughs, and by this double vote enhance the value of their family with a British ministry. To

this the other ranks were decidedly averse, and the subject was brought before the commons by a petition from some gentlemen in the county of Aberdeen, against the return of lord Haddo; which being strongly contested, a committee of the whole, on December third, took into consideration that part of the union relative to the election of members to serve in that house, when counsel was heard at their bar for the petitioners and for the respondents. For the former it was argued, that by an act of the Scottish parliament, entitled an act for settling the manner of electing sixteen peers and forty-five commoners to represent Scotland in the parliament of Great Britain, which act was ratified by an act for uniting the two kingdoms:—it is declared that none shall be capable to elect or be elected, to represent a shire or borough in the parliament of Great Britain, for this part of the united kingdom, except such as are now capable to elect or be elected, as commissioners for shires or boroughs to the parliament of Scotland: Therefore, it was self-evident that the eldest sons of Scottish peers could neither be elected nor sit as members of the British house of commons, unless they could have been chosen members of the Scottish parliament. The contrary however was the fact, for in every instance where this was attempted, they were always rejected, particularly in the cases of viscount Tarbet's eldest son, in the year one thousand six hundred and eighty-five, and of lord Livingston in one thousand six hundred and eighty-nine.

Debated.

ci. But besides this argument, which could admit of no dispute, there were, they contended, others equally unanswerable. The fundamental law of the union had most expressly reserved to the commons of Scotland that valuable privilege of electing their representatives in parliament from among the best qualified gentlemen of their own number and state, as they had formerly used to do; and this choice ought to be made as free as possible from the influence either of bribes or threats, and determined only by the ability and integrity of the candidates, who, it was requisite, should be persons capable of maintaining their independence of character. But the commons in Scotland being surrounded by a numerous and powerful peerage, who, like so many sovereigns, judge and determine within their respective bounds,

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Decided a-
gainst them.

in criminal as well as in civil matters, being vested with vast superiorities, and hereditary jurisdictions, so that no commoner holding any part of his lands of a peer, or indeed being in his neighbourhood, could be esteemed at liberty to make a free election of his representative: therefore the commons of Scotland had invincible arguments for preserving entire to themselves, that necessary privilege of excluding peers' eldest sons from being members; and in addition, one of the anti-unionists urged that the Scottish commons did not think their liberty safe in the hands of those persons or their proxies, who, to gratify their ambition, had sold their own birthrights and privileges. The facts adduced could not be denied, and the arguments drawn from the practice of England were totally inadmissible; it was therefore decided, that the eldest sons of Scottish peers were ineligible, and the speaker was ordered to issue his warrant to the clerk of the crown, to make new writs for electing commissioners in room of the lords Haddo, Strathnaver, Johnstone, and the Master of Ross, who were declared incapable of sitting in the commons house.

1709.
Right of
British
peers to
vote at the
election of
the Scot-
tish.

cii. In the house of peers the admission of the Scottish members gave rise also to decisions and precedents altogether novel, and demonstrated the futility of those arguments which had been brought forward against the union, arising from the impossibility or illegality of innovating upon the established constitution of England; when, in truth, the glory of the English constitution, now the British, is, that having arisen out of circumstances, it possesses the power of suiting itself to circumstances, which, whenever it loses, and acquires an immoveable stability, the principle of vitality shall have fled, and, however the symmetry of the body may be preserved for a little, its dissolution must be rapid and unavoidable. Petitions were presented against undue returns of the representative nobles; and the principal points were tried, with regard to the right of the duke of Queensberry. His grace had been created a British peer by the title of duke of Dover, yet he claimed to vote as a Scottish peer at the election. He also held a proxy, and thus two votes depended upon his qualifications; because, if he could not vote for himself, it followed he could not act as proxy.

for another. Against the duke's voting among the Scottish lords, it was objected:—that if a peer of Scotland, when made a peer of Great Britain, still retained an interest in electing the sixteen from Scotland, this would create a great inequality in the peerage, some having a double vote, personally and by representation; and that it would throw an unintended and unprecedented power into the hands of the crown, since by creating a few of the chief families in Scotland British peers, they would be able to carry the election as they pleased. In reply, it was said, that by a clause in the act passed since the union, the peers of England, who were likewise peers of Scotland, had their right to vote in the election of the Scottish representatives still preserved to them. To this it was answered, “that a peer of England and a peer of Scotland held their dignity under two different crowns, and by two different great seals; but Great Britain including both, the separate inferior peerage must necessarily merge in the greater; besides, the separate rights of the parties were preserved entire, as they stood before the union, but the case was altogether different, with creations which took place since. Upon a division, it was determined against Queensberry, and the point determined, that no British peer, created since the union, had a right to vote in a Scottish election. Both these questions respecting the privileges of peers and their eldest sons were carried in opposition to the court, chiefly by the almost unanimous opposition of the Scottish peers, who were supported by the tories, and some few independent whigs. Another question, chiefly of a temporary nature, viz. whether the lords confined on suspicion had a right to vote by proxy, not having taken the oaths in the manner prescribed, was decided in favour of their lordships, who, being under restraint, had taken the oaths in the only manner in which it was in their power to do. Of all the representatives, the marquis of Lothian only was set aside, and the marquis of Annandale's claim sustained.*

Negatived.

Lords in confinement allowed to vote by proxy.

CHII. Wherever trade was concerned, the English and the Scots betrayed the utmost jealousy towards each other; the

Mutual jealousy on mercantile questions.

* Lockhart. Parliament. Hist. Tindal. Burnet.

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Premiums
and draw-
backs.

English afraid of the encroachments of the Scots, and the Scots irritated at the exclusive monopolizing spirit of the English. Nor did the ministry evince that conciliating disposition which might have been expected towards the merchants of the poorer kingdom, who were severe individual sufferers by the union, while their wealthier neighbours, as individuals, were actual gainers; this was discovered in a pitiful manner, with regard to some drawbacks upon salt claimed by the Scottish exporters. A considerable quantity of fish and salted provisions, having been cured with salt imported into Scotland before the union, was shipped for abroad, together with a quantity of the salt itself; and the merchants applied first to the custom-house officers, and then to the treasury, for the premiums and drawbacks allowed by the British law, but receiving for answer, that as the salt had not paid the high duty, they had no claim to the drawback, application was made to the house of commons. Upon reference to the articles of the union, it was found to be expressly provided, that after the month of May 1707, the premiums and drawbacks therein stipulated should be payable without any limitation from the produce of the customs; and as the Scottish merchants were not allowed to import goods, purchased before the union, at the easy Scottish duties, it was unfair to refuse them the premiums for what they had on hand before that date. The expense was trifling to England, but, to Scotland, was of the utmost importance, not so much, perhaps, in a pecuniary point of view, though even that to them was considerable, as tending to show how far their new allies were inclined to act in the spirit of brotherhood and equity. An unwilling consent, however, wrung from the ministry, destroyed the effect of what, if granted readily, would have been reckoned a favour, but which, when reluctantly conceded, was esteemed only an act of tardy justice.

Inquiry in-
to the late
invasion.

civ. An inquiry into the invasion of Scotland was then brought forward by lord Haversham in the house of peers. "The nation," he said, "expected an inquiry, in which not only their welfare but existence was involved; especially as several persons of great quality had been arrested, but against whom no proof had been adduced; and they were

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Lord Ha-
versham's
speech.

returned to Scotland to complain of the severity of their treatment, in having been punished for the negligence of ministers, whose culpable inattention in leaving Scotland unprotected, was the real invitation that had been sent to the pretender, and which still offered to the French king the greatest encouragement to renew his attempt." A committee was in consequence appointed, and all the papers relative to the invasion laid before it. Their details coincide with the narrative I have given of the expedition, but Haversham found in them subjects of strong accusation against the ministry, which he urged with considerable eloquence, though the importance he attached to the unprovided castle of Blackness, as an instance of their carelessness, excites a smile in those who have seen that mighty fortress; he, however, made no particular motion on the subject, and contented himself with remarking, "I believe, my lords, there has been enough now said to justify this inquiry, and I shall add but this, that if there be no greater care taken for the future, than there was at the time of such imminent danger, it will be the greatest miracle in the world, if, without a miracle, the pretender be not placed upon that throne."

cv. A similar inquiry in the house of commons was closed by two resolutions—first, that orders were not issued for the marching of the troops in England, until the fourteenth day of March, it being necessary, for the security of her majesty's person and government, that the troops in this part of the kingdom should not march into Scotland, till there was certain intelligence that the enemy intended to land in that part of the united kingdom; second, that timely and effectual care was taken by those employed under her majesty, at the time of the intended invasion of Scotland, to disappoint the designs of her majesty's enemies, both at home and abroad, by fitting out a sufficient number of men-of-war, ordering a competent number of troops from Flanders, giving directions for the forces in Ireland to be ready for the assistance of the nation, and by making the necessary and proper disposition of the forces in England.

The con-
duct of go-
vernment
approved
by the
commons.

cvl. These inquiries were followed by an open and flagrant breach of one of the most important articles of the

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Law for as-
similating
high trea-
son in both
kingdoms

union, and confirmed the prediction of the opponents of that measure, that they would only be observed so long as it was found for the convenience of England. The jurisdiction of the high court of justiciary had been solemnly guaranteed; but the acquittal of the gentlemen who had been seized in arms, both irritated and disappointed the ministers; and a bill was introduced into the house of commons, to render the union more complete, by assimilating the laws of high treason in both divisions of the empire. Had the whigs, by an enlightened policy, seized the opportunity of plainly and accurately defining the crime of treason, of prescribing a form of trial, simple and equitable, strong for the protection of the weak and innocent against the arm of tyranny and the oppression of power, yet vigorous for the repression of the turbulent, and punishment of the guilty, they would have deserved well of their country; but when they only introduced one set of antiquated and variable statutes for another, and that for the obvious purpose of extending the grasp of the executive—always sufficiently energetic in cases of state crime—their services are of a more doubtful character.

laid aside
by the com-
mons—ta-
ken up in
the house
of lords.

CVII. The bill was so much opposed in the commons, that it was laid aside. In the house of lords it was resumed with more success; it declared, that all crimes which were high treason by the law of England, and these only, were to be high treason in Scotland; that the English mode of procedure was to be adopted by the Scots; and that the pains and forfeitures were to be the same in both nations. The Scottish lords were unanimous in their reprobation of this attempt to reduce their country under the laws of England, and contested every enactment of the statute in its progress. They demanded that all those offences which were considered high treason by the law of England, should be enumerated in the act, that they who were strangers to the English statute-book might know when they were safe, and when they were in jeopardy. They were answered, that directions would be given to the judges to publish an abstract of the laws upon this subject, which would contain every necessary information:—a promise which silenced the opposition, but was never performed.

Unanimous
opposition
of the Scot-
tish peers.

CVIII. The method of procedure gave rise to warmer debates. In Scotland there was no difference between the process in cases of high treason and any other criminal trial; the prisoners were served with an indictment, containing a statement of the special crime or crimes of which they were accused, together with a list of the names and designations both of the assize and witnesses, fifteen days before the day of trial. A jury of fifteen was chosen by the court, and no peremptory challenge was allowed; but objections might be stated and argued before the judges, who sustained or repelled them as they considered them valid—the charges in the indictment were then argued by counsel, as to whether they constituted the crime of high treason or not, which was determined by a sentence of the court, styled an interlocutor, finding the libel relevant to infer the pains of law, or the contrary; after which, if the trial proceeded, the proof of the facts alleged was adduced, and upon it the jury pronounced a verdict by a plurality of voices: in the punishment a discretionary power was left with the judges. Instead of this, a grand jury was to find a bill, the judges were to lay down the law, and the whole was to go entire to a petty jury of twelve, who were bound to return an unanimous verdict: no list of witnesses was furnished, and no council allowed to the accused. The Scottish lords contended long for the list of witnesses being furnished, that the accused might have time to inquire into their character, and produce whatever might tend to invalidate their testimony, if they should happen to be persons unworthy of credit. But to grant this, it was said, would be to open a door to practise upon witnesses or to suborne others to defame them. By the Scottish law, marriage settlements, entails, and the claims of creditors, were excepted from forfeiture, and corruption of blood as the consequence of attainder, was never incurred unless inflicted by the legislature. By the English law the whole inheritance and family of the traitor were involved in one undistinguished ruin. But the Scottish lords in vain contended, that according to the articles of the union, all private rights were preserved, and without a violation of public faith, these settlements could not be encroached upon; and

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Usual method of criminal proceedings in Scotland.

The English method.

Objections of the Scots.

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Torture
abolished.

Bill passed.

Amend-
ments by
the com-
mons.Inadequacy
of the Scot-
tish repre-
sentation.Sacramen-
tal test.

Burnet, bishop of Sarum, with as little success, humanely proposed to abolish altogether forfeiture and corruption of blood, nor visit upon an innocent offspring the iniquities of their fathers. A clause was, however, inserted abolishing torture, which, till this date, might have been legally inflicted in Scotland, and which, as a general personal security, perhaps, in practical importance, more than counterbalanced the innovation made upon the criminal judicature of the country, and the bill passed the upper house.

cix. A more powerful opposition assailed it in the commons, where two material amendments was carried. By one the names of the witnesses were ordered to be furnished to the prisoner ten days before the trial; and by the other, no estate in land was to be forfeited for the crime of high treason:—they were however, rendered nugatory for a time by a proviso inserted by the lords, on the suggestion of lord Somers, that they were not to take effect till after the death of the pretender; and the time was afterwards prolonged till after the death of his sons.—Different as were the opinions and parties of the Scottish representatives upon other subjects, they, to a man, united to resist so flagrant an infringement of the treaty; it was found, when too late, that their representation in either house was inadequate for preserving any of the stipulations it might be deemed, by their more powerful allies, advisable to break; and the whigs had the disgraceful precedence in these encroachments upon good faith.

cx. But the party known by that name in the British house of commons, were consistent only in pleading for the principles of equity or liberty, when it tended to preserve themselves in power; they could condemn the one and violate the other as heartily as the tories themselves, when either appeared to trench upon their own particular. The sacramental test, which to this day remains as a blasphemous stain upon the British statute books,* never appears to have given them the least uneasiness; and provided it could

* Since the last edition of this work was published, this stain has been removed.

keep out a political opponent, it had rather been viewed with a kind of approbation. Never was it so viewed by those in Scotland bearing the same appellation; and about this time a pamphlet was published in London, purporting to be a letter from a gentleman in that country to his friend in England, against that grievance. The sacramental test, the author represented as repugnant to the union, dangerous to the ecclesiastical establishment of Scotland, and to such remains of their civil constitution as were still reserved; inconsistent with the general interests of the empire, contrary to our Saviour's design in the institution, and to the doctrine of the church of England herself. He warmly reprobated it as an irreligious prostitution of a divine ordinance, for an object diametrically opposite to its original intent; as a profanation of the Holy Sacrament by law, in order to serve a secular purpose; as the usurpation of an authority to which no power on earth has a right to lay claim; in obliging a person to qualify for a civil post by partaking of the Lord's Supper, without any regard to the fitness which the law of Christ requires for that solemnity, and heedless of that awful injunction, "that whosoever eateth or drinketh unworthily, eateth and drinketh damnation to himself:" from which it was evident, he asserted, that it was the interest of a party, not the honour of the church, that was protected by this pernicious act, which, while it pretended to secure religion, struck at its root. This letter was circulated at the doors of the house of commons, and occasioned a considerable sensation. Its arguments were incapable of answer; but the majority of this whig parliament, dreading to offend the high church party on so tender a point, had recourse to that very brief method of refutation:—upon a complaint made to them, they ordered it to be burned for a scandalous seditious libel.*

A pamph-
let against
it.

Ordered to
be burned.

CXI. At the close of the session, to soothe the irritated Scots, a bill of indemnity was passed, in which all treasons

Bill of in-
demnity.

* The high church party shortly after well repaid them for this mean compliance as they richly deserved. Parliament. Regist. Burnet, vol. vi. p. 4, *et seq.* Laing's Scot. vol. iv. p. 392. Stair's Institut. Lockhart, vol. i. p. 295, *et seq.* Stuart Papers, Ann. 1708-9.

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were pardoned except those committed upon the high seas, by which the immediate attendants of the pretender alone were excepted from a full and ample security:—an act, which was asserted to have been not less necessary for some of the ministers themselves than for the Scottish jacobites, only the latter had been more open and imprudent than the others. Notwithstanding, however, this act of grace, the Scottish members returned to their constituents dissatisfied, and found them equally displeased; every art being used by the anti-unionists to exaggerate the affront put upon the nation, which was in all conversations represented as merely the commencement of a series of aggressions, while the jacobites delighted to nurse the slightest symptoms of discontent that appeared in the country.

General assembly,

CXII. Meanwhile the general assembly commenced a more harmonious session. The queen's letter contained a repetition of the usual assurances of favour and protection, which the earl of Glasgow, who continued to represent her majesty, dilated in the common strain. To this Mr. Currie, minister of Haddington, who was chosen to the chair, replied, "We reckon ourselves under infinite obligations to Almighty God, that, amidst so great and wonderful changes as have come to pass in our times, he has preserved the national church, setting a cloud of protection over her assemblies, and making us to enjoy peace in the midst of war, and rest in the days of calamity. And after our humble and thankful acknowledgments of divine goodness, we cannot but be deeply and gratefully sensible of the many great favours conferred on us by our gracious sovereign; we have had the mercy not only to hear, but to see and share in the accomplishment of that glorious evangelical promise, that kings should be the church's nursing fathers, and queens her nursing mothers—a blessing not very common, and never to be forgotten."

recommend
the society
for propa-
gating
christian
knowledge.

CXIII. The assembly then proceeded to recommend the furtherance of a design for propagating christian knowledge in the north, the highlands and islands, and foreign parts of the world. A society, instituted for this purpose, had

during the last year received the approbation of the queen in council; and the general assembly, “considering that the glory of God and the advancement of the kingdom of Christ in the eternal salvation of the immortal souls of the people, were deeply interested in the truly pious and glorious design, with all earnestness besought and exhorted all the people of their national church to contribute their best endeavours in their stations to promote that noble and excellent undertaking; and particularly that in zeal for the glory of God, and in pity and compassion towards many thousands in this church and nation, especially in the highlands and islands, who live in barbarity and ignorance, and towards so great a part of the world as is this day perishing for lack of knowledge, they would cheerfully embrace this precious opportunity of honouring the Lord with their substance, and making to themselves friends of the mammon of unrighteousness.” They next seriously recommended the ministers and elders to go through their respective parishes, and “collect subscriptions and contributions from such persons whose hearts God should incline thereto.” In connexion with this, they particularly instructed their commission to make effectual whatever had been done by preceding assemblies towards erecting schools in the north, the highlands and islands, and whatever else might tend to the advancement of religion and reformation in these places, and to give all due assistance to the society; and because the meetings of the commission were but few and at long intervals, they empowered them to name a committee of any number of the ministers and elders of the church they should think proper, whether members of the commission or not, to communicate with the presbyteries, and with the society upon whatever might tend to promote the great object.*

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1709.

Erecting of
schools in
the north,
&c.

CXIV. Former assemblies had shown an anxious desire for giving stability to instruction, by establishing libraries and parish libraries.

* By a report from the synod of Argyle, it appears they had procured the translation of the Confession of Faith and Larger Catechism into the Gaelic language, which the assembly ordered to be printed; and also that measures should be taken for reprinting the Shorter Catechism and the Bible in the same language.

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XXIII.

1709.

in the various presbyteries and parishes in the highlands: a communication from the Rev. Mr. James Kirkwood called the attention of the present to the importance of laying a foundation for a similar institution in each presbytery in Scotland. Considerable donations of books for this purpose, it appears, had been benevolently sent from England, and these he proposed should be distributed as far as they would go, and that the several presbyteries should endeavour to forward the object, by raising subscriptions to augment the small donations where they had got them, or purchase suitable works where no books had been given. The assembly adopted the suggestion, and at the same time ordered letters of thanks to be written to Dr. Bracy, Mr. Woodcock, Mr. Nielson, Mr. Yates, and Mr. Straiton, in England, for their care in procuring these libraries.

Proceed-
ings re-
spect-
ing
the
poors'
funds.

cxv. At this time the kirk sessions consisted of ministers, elders, and deacons, and the latter were entrusted with the management of "the poors' funds," that is, had the charge of collecting for and distributing to the poor. This order obtained in the presbyterian church from its commencement till the restoration, when presbytery being abolished by the act 1661, the justices of peace were empowered to name overseers in every parish, and these overseers were empowered to call for the collection of the parish, and distribute it, as they saw fit, to the poor; but when presbytery was re-established, and the office of justice of peace fell into desuetude, the oversight of the poor reverted to the deacons, till, upon the enactment of last parliament, the commissions of the peace were again revived, when the justices in some parts of the country immediately began to interfere with the collections for the poor, and claim a control over the funds in the deacons' hands. Against this encroachment the assembly instantly set themselves, and requested the commissioner, to represent to her majesty, that the care and concerns of the poor could never be better or more carefully managed; and that there was nothing more desirable than that this apostolic institution, and the commission to the justices of the peace—likewise of great use and advantage to the country—should not interfere on this point:

and that the latter should not intermeddle with the liberality and privilege of the church. His grace readily undertook the business; and it deserves to be particularly remarked, that to this assembly and their prompt measures, Scotland owes their being saved from that most oppressive and baneful load of taxation, the poors' rates, under which England groans: but which, if the justices had been allowed once to obtain the collecting and management of the parish funds for the support of the poor, would at length have fallen with as heavy a pressure upon the industry of our country as it does upon that of our neighbours.

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XXIII.

1709.

Avert
poors' rates.

CXVI. Hitherto the appointment of public fasts, which required the civil sanction, had been arranged between the assembly and the privy council of Scotland; but that being now abolished, before they or their commission could proclaim such a solemnity, it became necessary to communicate with London, and obtain the consent of the queen—a tedious and awkward process; they therefore presented a memorial to the commissioner, “humbly proposing, that in regard of the occasions that may fall in, both of fasting and humiliation, and also of thanksgiving, to be kept in this part of Great Britain, for appointing and observing whereof, it is most fit and convenient that the civil sanction should concur and go alongst with the desire and ordinance of the church: which cannot now, after the union of the kingdoms, be so easily and readily obtained as formerly, by reason of her majesty’s residence at so great a distance: albeit” continue the venerable supplicants, “we be most persuaded of her majesty’s constant religious disposition in all such cases, we, with all submission, recommend to your grace to represent the premises to her majesty, and withal to treat on our behalf, that when this church shall judge it necessary, either by their general assembly or commissioners thereof, to have a day either for general fasting and humiliation, or of thanksgiving, solemnly appointed—it may please her majesty to empower such as her majesty shall judge proper, residing here at Edinburgh, to receive such application as may be made to them for the effect fore-

Represent-
ation re-
specting
the ap-
pointment
of fasts, &c.

BOOK
XXIII.

1709.

A fast recommended.

The commissioner's closing speech.

said : and interpose her majesty's authority and royal sanction thereto, that the foresaid appointment, as the exigence shall require, may be kept and observed with that religious order and decency as becomes."

cxvii. The commissioner undertook to present this memorial also to her majesty, and in the meantime the assembly recommended to the synods and presbyteries to set apart a day for public prayer, fasting, and humiliation, within their bounds, on account of the unseasonable weather, the dearth, and the threatened scarcity—the signs of God's displeasure for the sins of the land ; and to supplicate the Lord that he would be graciously pleased to pour out the Spirit from on high upon persons of all ranks, bless his ordinances with more success, remove all our distempers, heal our breaches, " and defeat all designs tending to the disturbing of the public peace, either by foreign invasion or intestine broils in favour of the pretender."

cxviii. This important assembly was closed by the moderator with a judicious and excellent speech—" In considering and ordering what has come before us," said he, " we have had no disturbance, but much encouragement and assistance from the throne ; we have exercised that power our Lord Jesus Christ has allowed his servants for managing the ecclesiastic affairs of his house, and our God hath so guided us, that we have had no eccentric motions beyond our line, or excursions into civil matters—it being the principle, and I hope shall always be the practice, of this church, that he who occupies the pulpit should decline the bench, and such as bear office in the holy ministry should not entangle themselves in the affairs of this life. Whatever different thoughts or reasonings have been amongst us as to the expedience or inexpedience of some things in our present juncture or state of affairs, I am confident there is no reformed church more agreed in discipline, worship, and government, than the present established church of Scotland ; and therefore let the apostolical exhortation take place—let brotherly love continue ; and let all our emulation be, who shall bear the greatest conformity unto the

ever blessed Son of God, who is meek and lowly in heart, and how to attain to wisdom and the understanding of our times.*

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1709.

* Among the acts of this assembly, there is one "seriously recommending to persons of all ranks to forbear bowing, and other expressions of civil respect, and entertaining one another with discourses while divine worship is performing, and divine ordinances dispensing." These indecent customs were at this time very prevalent. Mr. Boston, in his memoirs, mentions that neglecting to pay this mark of respect from the pulpit to a chief heritor, was the cause of his not obtaining a call to the parish of Clackmannan. Life of Boston, 18mo. p. 63.

NEW YORK
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APPENDIX.

No. I.

DARIEN SCHEME.

LETTER from Mr. PATERSON to the Right Honourable the COURT of DIRECTORS of the INDIAN and AFRICAN COMPANY of SCOTLAND.

RIGHT HONOURABLE,

THE care and duty incumbent upon me to seek the prosperity and good success of this company, above all other my concerns on earth, presses me at this tyme, to represent the following matters of fact, together with my humble opinion and thoughts thereupon, to the consideration of this honourable court. APPENDIX

I shall not now enter upon any particular description of what hath hitherto been discovered of that part of the isthmus of America, which as yet remains uninhabited, or is in the free possession of the native Indians ; but shall wholly confine myself to some few things of the greatest moment, and which, for the most part, owe discovery to you.

The seasons of the year in and about your settlement of Caledonia are principally two ; the one whereof we call the dry season, because in it there is not any rain, but a continued course of brisk north westerly and northerly winds. This season begins in December, and ends in Apryle or May. During the rest of the year the rains are of two sorts, which may be properly enough called the greater and the lesser ; the greater rains being the same which are usual in the West India islands and other summer countries, are strong and violent. They begin commonly some time after twelve o'clock at night, and continue till noon next day, at which tyme it clears up ; but very few such mornings happen during the whole season, and there is hardly ever two or more of them together. The lesser rains are only moderate and growing showers, whereof there is sometymes one, two, or more in the twenty-four hours. They continue seldom above a quarter or half an hour together, and fall for the most part in the night ; yet we frequently have several days, nay sometimes weeks together, wherein there is not any sorts of rains. During this season, the winds continue likewise for the most part westerly ; but there is frequent tornadoes and gusts of wind, and sometymes

APPENDIX. again the breese fails, and is uncertain. With the rains there is also much thunder and lightning; but I never heard of any harm it did. What is here said only concerns that part of the coast which lyes between the gulf of Uraba to the eastward, and the Sambulas to the westward, for the space of about forty-five leagues. But further to the westward, at Portobello, and in some parts of the gulf to the eastward, or other inland places, where the mountains are so high as to intercept the clouds, the rains are incomparably more constant and violent.

The sicklyest season for new comers to this country is from April or May to September; and the diseases are commonly feavers and agues, and intermitting feavers. If people are not well lookt after, to the feavers and agues succeed dropsays, scurveyes, and fluxes, that are sometimes mortal. But, in the intermitting feavers, and feavers and agues of themselves, I have seen and heard of but little danger. Of the strong feavers, by some called callentures, I have seen or heard but very rarely; yet lieutenant Dryden, and as I remember one or two more, were carried on by such. And, generally speaking, the long lives and great prolificness of the inhabitants, and others seasoned to the Indies, together with the fewness of, and the little danger in the diseases they are subject to, the wonderful ease in curing of wounds and sores when they happen, are no small indications of the great temperance and healthfulness of this climate.

The great number of easie hills and rying grounds, with their interveening valeyes, multitude of springs, brooks, and rivers of waters, render the prospect of this coast exceeding delightful, and the whole country pleasant and commodious. The higher hills are within the lands towards the center of the country; but there seems none to be very high in this part of the isthmus. The soyle in general is of a deep brownish mold; but I have also frequently seen strong clays, and other sorts of earth, here and there interveening. We have the depth of two, three, or four feet of this earth upon the sides, and even to the tops of these hills, whereupon there is not a stone to be seen, unless they be discovered by the water-falls.

This coast is sensibly much cooler and the heat more temperate and easy than I have observed in any of the American islands, or other the summer countries, of which its westerly winds and the vicinity of the two great oceans are doubtless none of the least occasions. Your harbour of Caledonia lyes in about eight degrees and forty minutes north latitude.

In fruitfullness, as well as temperance and healthfullness, this country is inferior to none; and, besides dywoods and other precious woods and growths, it is well stored with great variety of the best timber for shipping and other uses in the known world.

Roads, harbours, and creeks, for the security of shipping, this coast hath many. But the most considerable for situation, security, and defence is your port of Caledonia. In the bayes, creeks, and harbours of this coast, there is but here and there little slips and small quantities of drowned land; but in the gulf of Uraba there are vast tracts thereof. This gulf of Uraba is not yet well discovered; but what we know there-

of is, that at its entrance, and where broadest, it hath seven or eight leagues in breadth, and hath four or five leagues in the narrowest places. It runs twenty-five or thirty leagues into the country, is clear, without any barr or impediment, and hath twenty-five or thirty fathom water in its channels. It hath many great rivers run into it, of which three or four are said to be larger than the Thames. The great river at the bottom of the gulf enters it with several mouths; but these several mouths are all barred by rotten trees and other rubbish brought down with the floods, and there stopt by the strong coast winds, tides, and currents. There is commonly but eight or nine foot water upon the barrs; but there is six, seven, eight, and nine fathom water when within, and so for many leagues up. Most of the other rivers of the gulf are thus barred: But those barrs might be easily removed by industry; because their breadths for the most part exceed not a ship's length, and deep water without and within. On the west side of the gulph, about fifteen leagues up, there is a river about two leagues broad at the entrance, which hath no barr, but six or seven fathom water for several leagues up. On both sides of this river there are large tracts of drowned land, where, if we may believe the discoverers, grows great quantities of the dywood, commonly called Nicaragua wood.

But the gold mines of this country, and its two passages from the north to the south sea, are above all other things the most valuable. Gold may be gotten in greater or lesser quantities in very many places of the isthmus: But since the late discoveries no mines are lookt after that will not yield at least half an ounce of gold *per diem* to the labourer: But they often yield a much greater quantity, even to half a mark or four ounces *per day*; and many thousand negroes or others might find constant employment at this rate.

In former times, the Spaniards had no mines in this country, but only a place not far from St. Maria, where gold in grain was found to the value of about a Castilion, or the sixth part of an ounce *per day*; and sometimes they had possession of this, and at other times not, according as there was peace and war with the Indians: But, about sixteen years ago, from the discoveries of the natives to some privateers, the three mines, called Sabalas, Archietee, and Talieque were found; and after the peace that then ensued, the Spaniards were permitted to work them. The mines of Talieque and Archietee lye each about a day's journey from Sta. Maria, and between these two there is only the distance of three leagues. From Archietee the Sabalas is five leagues, and from thence to the great mine of Cana there is about three days journey. This mine of Cana, with another of the like nature, about a day's journey nearer to the Cape Tiberoon, were both discovered by the natives about seven years ago. These mines consisted not only of gold in grain, in common with others of the country, but here was also found great quantities in vein and in stone. Gold in grain is such as they gather from the washings of the floods; gold in vein is where it is found in veins like other metals; and gold in stone is where gold is found intermixt in the rocks or quarryes of stone. After the discovery of these mines, the Indians continued to get great quantities of gold

APPENDIX. even by their lazy and untoward way of working, until the Spaniards, who were then at peace with the natives, came to an agreement with them to send a number of negroes to work on certain conditions: But the Spaniards having got in their finger, soon broke conditions with and disoblged the Indians, and this occasioned the present war between them; and for the recovery of this mine it was that the natives brought assistance at our first arrival. And although the mine does without all doubt belong to the natives, and we might justly enough have lent them assistance to recover their right, yet we declined it, least we should thereby happen to give the least shaddow or colour of offence. The mine of Cana continues still to be wrought by 1000 negroes, besides others: But the Spaniards have done what they can to stop up and stifle that next to Cape Tiburoon; because of its nearness to the North Sea, and consequently of its vicinity to powerful neighbours. So far as I can learn, this mine of Cana lyes about fifteen leagues from your harbour of Caledonia towards the south-east.

Besides the mines already discovered and wrought. the gold found in the sands of almost every river nearer your settlement, and other things observable, doe sufficiently demonstrat, that there still remains other great and valuable discoveries to be made; but the natives are always the best discoverers, as being the only people left who have any tollerable knowledge of this country, now in a manner totally laid wast, and reduced to a wilderness.

In our passage over land from Caledonia harbour, we have six leagues of very good way to a place called Swatee: From Swatee to Tubegantee we have between two and three leagues not so passable, by reason of the turnings and windings of the river, which must often be past and repast. But a little industry would make this part of the way as passable as any of the rest. At Tubugantee there is ten foot at high water, and so not less in the river till it fall into the gulph of Ballona, which enters the south. This gulph of Ballona receives severall great rivers, and hath excellent harbours and roads for shipping. This we commonly call the pass of Tubugantee.

The other pass being that of Cacarica lyes beyond the bottom of the gulph of Uraba, in about six degrees of north latitude. Its distance from the harbour of Caledonia I reckon thus, viz. to Cape Tiburoon eight or nine leagues; from thence to the bottom of the gulph, twenty-five or thirty leagues; and from the bottom of the gulph they go up the great river, about twelve leagues; and from thence they pass up a river on the right hand, called Cacarica, about six leagues, and land at a place where there is a narrow neck of land, not above two English miles broad, of good passable way. After passing this neck of land they come to the navigable part of a river running into the South Sea, called Paya, and from thence they have fourteen or fifteen leagues into the South Sea.

About thirty-five leagues to the westward of Caledonia harbour, there is another pass from the river Conception on the North, to that called Chiapo on the South Sea. To go by this pass, it will cost four days of uneasie passage, in small boats, up the river Conception; and from thence there is four days more of very bad way, to the river Chiapo; and

the passing down that river in small canoes, will cost four days more: APPENDIX
 So that there is no manner of comparison between this pass and the other two. Besides these, there remains only the pass of the river Chagra, ten leagues to the west of Portobell, where they have eighteen leagues by water and about six by land. But, by reason of the want of a good harbour, the impediments of many flats in the river, and the great rains which fall thereabouts, the pass of Tubugantee seems far to exceed it; but certainly the conveniencies of Tubugantee and Cacarica together are beyond comparison. Upon the whole, although this country be so near, and lies so convenient in the world, yet we find it so far from being in the possession of any prince or state of Europe, that it then was, and in a great measure still remains, unknown to Christendom, or undiscovered to the trading world.

The time and expense of navigation to China, Japan, the Spice Islands, and the far greatest part of the East Indies, will be lessened more than half, and the consumption of European commodities and manufactories will soon be more than doubled. Trade will increase trade, and money will beget money, and the trading world shall need no more to want work for their hands, but will rather want hands for their work. Thus, this door of the seas, and the key of the universe, with any thing of a reasonable management, will, of course, enable its proprietors to give laws to both oceans, and to become arbitrators of the commercial world, without being lyable to the fatigues, expenses, and dangers, or contracting the guilt and blood of Alexander and Cæsar. In all our empires that have been any thing universal, the conquerors have been obliged to seek out and court their conquests from afar; but the universal force and influence of this attractive magnet is such, as can much more effectually bring empire home to the proprietor's doors.

But, from what hath been said, you may easily perceive, that the nature of these discoveries are such as not to be engrossed by any one nation or people, with exclusion to others; nor can it be thus attempted without evident hazard and ruin, as we see in the case of Spain and Portugall; who, by their prohibiting any other people to trade, or so much as goe to, or dwell in the Indies, have not only lost that trade they were not able to maintain, but have depopulated and ruined their countries therewith; so that the Indies have rather conquered Spain and Portugall, than they have conquered the Indies: for, by their permitting all to go out, and none to come in, they have not only lost the people which are gone to these remote and luxuriant regions, but such as remain are become wholly unprofitable, and good for nothing: Thus, not unlike the case of the dog in the fable, they have lost their own countrys, and yet not gotten the Indies. People and their industry, are the true riches of a prince or nation; and, in respect to them, all other things are but imaginary. This was well understood by the people of Rome, who, contrary to the maxims of Sparta and Spain, by general naturalizations, liberty of conscience, and immunity of government, far more effectually and advantageously conquered and kept the world, than ever they did, or possibly could have done, by the sword.

But, taking a cursory view of the discoveries already made, we find

APPENDIX. that, besides dyewood, and other valuable growths, this country possesses vast quantities, and great variety, of the best timber for shipping, and other uses, any where found. We likewise find it capable of yielding sugar, tobacco, indigo, caraw, vanillas, annato, cotton, ginger, and such like, of the best, and in greater abundance, than ever can be consumed in the trading world. But, above all, its gold mines, and passes between the seas, are the most invaluable jewels. For, with regard to the mines, let us suppose that 25 or 30,000 negroes, and others, were employed, at but half an ounce of gold each head *per* day, it's easie to be seen, even at this rate, to what immense sums it would amount. And, on the other hand, do but open these doors of Tubugantee and Cacarica, and through them will naturally circulate and flow all the treasures, wealth, and rich commodities, of the spacious South Seas, such as gold, silver, copper, cochanill, saltpeter, caraco, vigonia wool, tortois-shell, balsam of Peru, ambergrease, beaser stone, pearls, emeraulds, sapphires, and other wealth, to the value of one hundred millions of crowns yearly.

Time would fail to answer the several queries and objections of those who have not rightly considered a matter so vastly extensive, nor a proposal to the present purpose. But let me briefly state,

1. That no people on earth either did, or can pretend to a better right than that of vacancy, which we have, not only in this case, but even that of the main discovery, and consent of the nearest neighbours on all hands, added thereto.

2. That, the right being evident, doubtless the weight of this matter, and the danger of its falling into other hands, if not tymely and powerfully espoused, ought to outbalance all other state considerations whatsoever.

3. That the respect which, upon such an emergency, is due to the Royal Majesty, and the affection which we owe to our sister nation, will sufficiently incline this company to be zealous and diligent in laying the weight of these things before the king our lord, and in using all becoming endeavours for bringing the rest of our fellow-subjects to be jointly concerned in this great, extensive, and advantageous undertaking.

4. That a proposal of this kind from the company will be other than acceptable, ought not to be supposed, since, by this means, the consumption and demand of English growth and manufactures, and consequently the employment of their people, will soon be more than doubled, England will be hereby enabled to become the long desired free port, and yet its public revenues, instead of being diminished, will thereby be greatly increased. By this, that nation will at once be eased of its laws of restraint and prohibitions, which, instead of being encouragements, always have, and still continue, to be the greatest letts (*i. e.* hindrances) to its trade and happiness.

It will not be fit for me to suppose that either Scotland will make unreasonable demands for their right of discovery, possession, or consent of the natives; or that they will at this time unkindly resent the late wrongs and injuries done them upon that account; or, even although the natives should come to be convinced of their joint interest to be concerned, that they should disagree about the quantum; since here is a

greater field of trade than can possibly be improved in several ages to come. APPENDIX.

But, laying aside these, and other the like conjectures, the vanity and emptiness whereof the wise and prudent of both nations may easily be convinced; and, with regard to the vulgar, it's hopt they will, as some part of an atonement for the many groundless prejudices and fond conceits they use to entertain, be inclined, for this once, to so plain and profitable a truth. In expectation whereof I shall endeavour to make a proposal, so just, equal, secure, and advantageous in itself, as may render it fit for Scotland to make, and England to accept, whatever the circumstances, or supposed circumstances, of either nation may be, with relation to this matter.

THE PROPOSAL.

1. That this design be carried on by a joint stock of two millions of pounds sterling, one-fifth part thereof to belong to Scotland, and the other four-fifths to England.

2. That what this company have already expended hereupon, be allowed them as part of the said stock belonging to Scotland.

3. That the privileges of this joint company be granted for twenty-one years, with consent of parliament.

4. If, at the end of the said term of twenty-one years, the respective governments of the nations shall not think fit to renew these privileges to this joint company's satisfaction; that then, over and above the profits received or become due, the said company shall be repaid double the stock of money by them advanced in supporting and promoting this undertaking.

5. That all his majesty's subjects be permitted to trade to the ports and places in the possession of this joint company, upon their paying a duty, not exceeding five per cent. of the value of all exportations from thence.

6. That foreigners may also be permitted to trade thither, upon their paying a duty, not exceeding five per cent. of all goods and effects by them imported, over and above the duty of exportation.

7. That a duty, not exceeding five per cent. be laid upon all goods and effects imported, or re-carried over land, from the one to the other sea.

8. That a duty, not exceeding ten per cent. be laid upon all mines, minerals, jewels, gems, stones of value, pearls, and ambergrease.

9. That one moiety of the said duties do go to the king for his protection, and the other to the company for their stock.

10. That all such foreigners as shall come to be inhabitants in the places of the possession of this company, may thereby have and enjoy the privileges of his majesty's natural born subjects.

11. So soon as the duties payable to the crown by this proposal shall amount to an equivalent for the customs of both nations, that then the duties payable upon sugar, tobacco, wines, salt, and such like, may be levied by way of excise; and all manner of impositions upon trade or shipping taken off; that these kingdoms may hereby become free ports, as all good countrymen do and ought to wish.

APPENDIX. So, beseeching Almighty God to bless this company with wisdom, counsel, and other induements suitable to the greatness of the work, and to the valuable opportunity now in their hands ; and, after all, that he would be graciously pleased to crown their just and noble designs with prosperity and glorious success ; I am, &c.

*LETTER II. from Mr. PATERSON to the DIRECTORS of the
DARIEN COMPANY.*

A short description of the heads of my Journal concerning the Isthmus of Darien, relating to ports, rivers, harbours, islands, bays on the north and south side of that part of the Isthmus which the free Indians inhabit.

You, Gentlemen, are pleased to propose to me, which part, or how much of the country, in or near the isthmus of America is possessed by the wild Indians independent of the Spaniards.

My answer to this is, that on the north coast the Spaniards had no settlement (when I was there) from the bastiments, which lie to the eastward of Portobell, till you come about ten degrees eastward to the mouth of the river Darien ; all that tract of the continent being possessed by Indian natives, who were under no subjection to the Spaniards ; but some of them held some commerce with the Spaniards, and others of them were at war with them, inviting the privateers to their assistance against them. In the islands there are no inhabitants of any sort ; but they are frequently visited as well by the Indians from the continent, as by the privateers.

On the South Sea coast the free Indians have a much longer tract of ground, far from the river Cheapo, to about one half a degree south of the equator, making in a straight line (without reckoning the bending of the coast) nine or ten degrees of latitude, and near upon 600 small ones ; one about the river St. Maria, and the Gold river in the gulph of St. Michael ; another upon the river of St. John, which empties itself over against the island of Gorgona ; and the third, which is called Tomaco, near the mouth of the river that faces the isle of Gallo. The Indians near these settlements have some commerce with their neighbouring Spaniards, as some of those on the north coast have ; but those that lie at any distance were enemies to them, as those between the river of Cheapo and the gulph of St. Michael, those of each side of Port Pines, Cape Corientes, the river of St. Iago : and it is very seldom that any Spanish vessel touches at these parts, the isle Gallo being the only place frequented by them hereabout.

This coast, from Point Garashina to Cape Corientes, is a bold coast, with high land to the sea covered with woods, having a few small rivers, but scarce a good port besides Pines, which is also far from extraordinary. From Cape Corientes to Cape St. Francisco is all very low land to the sea, and shole water affording good anchoring in oar on sand ; and this tract is full of large rivers, but not deep. These rivers are very rich in gold falling from high mountains, which are continued in a ridge at

sixteen, eighteen, or twenty leagues distant from the sea, and visible from thence as far as Zuisco, and from thence along the main body of South America. The wild Indians who dwell along the shore, and between these rivers, are exceedingly savage (as those of the river Darien are also said to be,) and the Spaniards dread them very much: and this country is also covered with woods, as well as the high coast to the northward of it. Notwithstanding the fierceness of these Indians, and the terror they strike into the Spaniards, (whose cruel usage of their neighbours they seem to know and resent) I think it would be no difficult matter to win them to a correspondence by fair and prudent means, and to establish a commerce with them.

2. Gentlemen, the other querie is concerning the isthmus of Darien: What convenience of settlement is there: What ports, &c.?

I suppose, Gentlemen, your inquiry is chiefly with reference to the north coast; and as to that, I answer briefly, that from Portobell eastward, to the place where the city of Nombre de Dios formerly stood, which is over against the isles Bastementos, the country is under the Spaniards. But the Indians of that part have their plantations very scattering; and, some distance from the shore, the free Indians, who are continued from thence further eastward, have their plantations more close together, so as to make little villages for mutual defence, having generally, for that purpose, a war-house in such villages. But neither do these settle very near the shore, though they often come down thither from the ground plat of Nombre de Dios to point Samballas, which is a pretty remarkable promontory, because the shore from thence bends more to the southward. It is generally a high woody coast, with no river or creek of note, but only Port Scrivan, which goes pretty far within the land, and is a good harbour, but hath a bad entrance, having several rocks on each side of the channel, especially on the east side, and not above eight or nine feet water, but deeper farther in. The opening at the entrance is scarcely a furlong over; and the two points that make it are very capable of being fortified, as in the land about the foot of the harbour, which is also very fruitful for plantations, and hath good fresh water. The land about this port is low for two or three miles, free from swamps and mangroves, unless a little to the westward.

From Point Samballas the land to the sea is pretty low, and very fruitful, rising up leisurely to the main ridge Hists, which runs the length of the isthmus, and in a manner parallel with the shore, at some few miles distant. At the mouth of some of the rivers (which here are more numerous, but small and shallow,) the ground is mangrovy and swampy, with extraordinary large and stately timber trees, which overrun the whole coast like a continued forest: and this tract, with neighbouring islands, affords a very delectable prospect at sea. These islands are called the Samballas, many in number, but small, and of unequal bigness, and scattered in a range of a considerable length along the shore for a mile or two from it. They lie in clusters, having their length divided in two or three places, by navigable channels, which af-

APPEND. X. ford so many entrances into the long channel or road, which is made by the whole range of islands and the adjacent continent, and affords excellent riding for any number of ships. There is everywhere good anchorage, and islands which are all low and flat, guarded in the outside toward the main ocean with a long ryff of rocks at small distance; and these islands afford very good water upon digging, and are plentifully stored with variety of fruit trees, as spadilloes, manuees, &c. beside timber trees, and others, the soil being rich. Small vessels may pass almost any of the islands; but the channels that cross the range admit of large ships, though not these entrances at each end of the long channel, being more shoallie.

From the end of the Samballas, a few leagues further eastward, lies the isle of Pines, the shore between being much the same as that opposite to the Samballas, but only that it is rocky, and guarded with a ryff of rocks off at sea, which hindered any person from coming near to it.

The isle of Pines is a high land, affording good trees and water, and hath good anchoring on the south side, with a fair sandy bay to land at. Near its easternmost part lies Golden Island, much smaller than the other, and a fair deep channel lies between. It is a good champion level island, moderately raised from the sea by a gentle ascent from the landing place, which is a sandy bay on the south side; but the rest of the shore is a rocky precipice, quite round and inaccessible, so that a good fortification in the island would at once command the landing place and the road before it, which is a very good one in all respects, and is land locked by the island, and the two points of the neighbouring shore of the isthmus, which opens here into a bay. The very cod of this bay is shallow, and the land by it is swampy; but on each side there is a good land, and good going on shore; and the mouth which faces Golden Isle is deep and of a good bottom near the eastern point of it, which is not above three or four furlongs distant from Golden Island; and there is a rivulet of very good water. This Golden Isle is without comparison the best place on all this side of the isthmus whereon to make a fortress to secure a trade or a passage over land.

East of this, doubling the promontory, you enter the wide mouth of the river of Darien: But the deep is not answerable to the entrance, though it is deep enough further on. The shore is still much the same, and the land within very rich and fruitful; but hath no harbours beside Carret-bay, which is by report indifferent good; for I have not been there, nor on the coast on the east side of the river.

The land in the isthmus in general is very good, with variety of hills and valleys, watered with rivers, and covered with perpetual woods.

The South Sea coast of the isthmus hath no port between the river of Cheapo (so far as which the Spaniards come,) and the Gulf of St. Michael; yet there is very good riding all along the shore, and in general in most parts of the Bay of Panama. The shore here in the main is pretty high, with some small rivers that are shallow, and have their outlets in drowned mangrove land.

It is all low land about the Gulf of St. Michael for a great way up the country; and there are many large and deep rivers fall into it. The

Spaniards are settled on the middlemost of these: But Congo river on the north side of the Gulf, and that of Sambo on the south, are possessed by the wild Indians; and among some of these, or in the country more to the southward, we should settle, if we would have a port on the South Sea coast, to answer Golden Island for the security of a passage.

No. II.

UNION ACT Ratifying and Approving the Treaty of the two Kingdoms of Scotland and England.

January 16, 1707.

THE estates of Parliament considering, that articles of Union of the kingdoms of Scotland and England, were agreed on the 22d of July 1706 years, by the commissioners nominated on behalf of this kingdom, under her majesties Great Seal of Scotland, bearing date the 27th of February last past, in pursuance of the fourth act of the third session of this parliament, and the commissioners nominated on behalf of the kingdom of England, under her majesties Great Seal of England, bearing date, at Westminster, the 10th day of April last past, in pursuance of an act of parliament made in England the third year of her majesties reign, to treat of and concerning an union of the said kingdoms; which articles were, in all humility, presented to her majesty, upon the 23d of the said month of July, and were recommended to this parliament by her majesties royal letter, of the date the 31st day of July 1706; and that the said estates of parliament have agreed to, and approved of the said Articles of Union, with some additions and explanations, as is contained in the articles hereafter insert. And sicklike, her majesty, with advice and consent of the estates of parliament, resolving to establish the protestant religion and presbyterian church government within this kingdom, has past in this session of parliament an act intituled, *Act for securing of the Protestant Religion and Presbyterian Church Government*, which, by the tenor thereof, is appointed to be insert in any act ratifying the treaty, and expressly declared to be a fundamental and essential condition of the said treaty of Union in all time coming. Therefore, her majesty, with advice and consent of the estates of parliament, in fortification of the approbation of the articles as above-mentioned, and for their further and better establishment of the same, upon full and mature deliberation upon the foresaid Articles of Union, and act of parliament, doth ratify, approve, and confirm the same, with the additions and explanations contained in the said articles, in manner, and under the provisions after-mentioned, whereof the tenor follows.

I. Article. That the two kingdoms of Scotland and England shall, upon the 1st day of May next ensuing the date hereof, and for ever after, be united into one kingdom by the name of *Great Britain*, and that the Ensigns Armorial of the said United Kingdom be such as her majesty shall appoint, and the crosses of St. Andrew and St. George be conjoyn-

APPENDIX. ed in such manner as her majesty shall think fit, and used in all flags, banners, standards, and ensigns, both at sea and land.

II. That the succession to the monarchy of the United Kingdom of Great Britain, and of the dominions thereunto belonging, after her most sacred majesty, and in default of issue of her majesty, be, remain, and continue to the most excellent princess Sophia, electoress and dutchess dowager of Hanover, and the heirs of her body, being protestants, upon whom the crown of England is settled by an act of parliament made in England, in the twelfth year of the reign of his late majesty, King William the Third, intituled, *An Act for the further limitation of the Crown, and better securing the Rights and Liberties of the Subject*: and that all papists, and persons marrying papists, shall be excluded from, and for ever incapable to inherit, possess, or enjoy the imperial crown of Great Britain, and the dominions thereunto belonging, or any part thereof; and in every such case, the crown and government shall, from time to time, descend to, and be enjoyed by such person, being a protestant, as should have inherited and enjoyed the same, in case such papist, or person marrying a papist, was naturally dead, according to the provision for the descent of the crown of England, made by another act of parliament in England, in the first year of the reign of their late majesties King William and Queen Mary, intituled, *An Act declaring the Rights and Liberties of the Subject, and settling the succession of the Crown*.

III. That the United Kingdom of Great Britain be represented by one and the same parliament, to be styled the Parliament of Great Britain.

IV. That all the subjects of the United Kingdom of Great Britain, shall, from and after the Union, have full freedom and intercourse of trade and navigation, to and from any port or place within the said United Kingdom, and the dominions and plantations thereunto belonging, and that there be a communication of all other rights, privileges, and advantages, which do or may belong to the subjects of either kingdom, except where it is otherwise expressly agreed in these articles.

V. That all ships or vessels belonging to her majesties subjects of Scotland, at the time of ratifying the treaty of Union of the two kingdoms in the parliament of Scotland, though foreign built, be deemed and pass as ships of the build of Great Britain; the owner, or where there are more owners, one or more of the owners, within twelve months after the first of May next, making oath, that, at the time of ratifying the treaty of Union in the parliament of Scotland, the same did, in haill or in part, belong to him or them, or to some other subject or subjects of Scotland, to be particularly named, with the place of their respective abodes, and that the same doth then, at the time of the said deposition, wholly belong to him or them, and that no foreigner, directly or indirectly, hath any share, part, or interest therein; which oath shall be made before the chief officer, or officers of the customs, in the port next to the abode of the said owner or owners; and the said officer or officers shall be empowered to administer the said oath: and the said oath being so administered, shall be attested by the officer or officers who administered the same, and being registered by the said officer or officers,

shall be delivered to the master of the ship for security of her navigation, and a duplicate thereof shall be transmitted by the said officer or officers, to the chief officer or officers of the customs in the port of Edinburgh, to be there entered in a register, and from thence to be sent to the port of London, to be there entered in the general register, of all trading ships belonging to Great Britain. APPENDIX.

VI. That all parts of the United Kingdom, for ever, from and after the Union, shall have the same allowances, encouragements, and drawbacks, and be under the same prohibitions, restrictions and regulations of trade, and lyable to the same customs and duties on import and export; and that the allowances, encouragements and draw backs, prohibitions, restrictions and regulations of trade, and the customs and duties on import and export settled in England when the Union commences, shall, from and after the Union, take place throughout the whole United Kingdom, excepting and reserving the duties upon export and import of such particular commodities, from which any persons, the subjects of either kingdom, are specially liberated and exempted by their private rights, which, after the Union, are to remain safe and entire to them, in all respects as before the same; and that, from and after the Union, no Scots cattle carried into England shall be lyable to any other duties, either on the publick or private accounts, than those duties to which the cattle of England are, or shall be lyable within the said kingdom. And seeing by the laws of England, there are rewards granted upon the exportation of certain kinds of grain, wherein oats grinded or ungrinded are not expressed, that, from and after the Union, when oats shall be sold at fifteen shillings sterling per quarter, or under, there shall be payed two shillings and sixpence sterling for every quarter of the oatmeal exported in the terms of the law, whereby, and so long as rewards are granted for exportation of other grains, and that the bear of Scotland have the same rewards as barley. And in respect the importation of victual into Scotland from any place beyond sea, would prove a discouragement to tillage, therefore, that the prohibition as now in force by the law of Scotland against importation of victual from Ireland, or any other place beyond sea, into Scotland, do, after the Union, remain in the same force as now it is, until more proper and effectual ways be provided by the parliament of Great Britain, for discouraging the importation of the said victual from beyond sea.

VII. That all parts of the United Kingdom be for ever, from and after the Union, lyable to the same excises upon all exciseable liquors, excepting only that the thirty-four gallons English barrel of beer or ale, amounting to twelve gallons Scots present measure, sold in Scotland by the brewer at nine shillings sixpence sterling, excluding all duties and retailed, including duties and the retailer's profit, at twopence the Scots pint, or eight part of the Scots gallon, be not, after the Union, lyable, on account of the present excise upon exciseable liquors in England, to any higher imposition than two shillings sterling upon the foresaid thirty-four gallons English barrel, being twelve gallons the present Scots measure, and that the excise settled in England on all other liquors when the Union commences, take place throughout the whole United Kingdom.

APPENDIX. VIII. That from and after the Union, all foreign salt, which shall be imported into Scotland, shall be charged at the importation there, with the same duties as the like salt is now charged with, being imported into England, and to be levied and secured in the same manner. But in regard the duties of great quantities of foreign salt imported may be very heavy on the merchants importers; that therefore all foreign salt imported into Scotland shall be cellared and locked up under the custody of the merchant importer, and the officers employed for levying the duties upon salt; and that the merchant may have what quantities thereof his occasion may require, not under a weigh or fourty bushels at a time, giving security for the duty of what quantity he receives, payable in six months; but Scotland shall, for the space of seven years from the said Union, be exempted from paying in Scotland for salt made there the duty or excise now payable for salt made in England: But, from the expiration of the said seven years, shall be subject and lyable to proportional duties for salt made in Scotland as shall be then payable for salt made in England, to be levied and secured in the same manner and with the same drawbacks and allowances as in England; with this exception, that Scotland shall, after the said seven years, remain exempted from the duty of two shillings and four pence a bushel on home salt, imposed by an act made in England in the ninth and tenth of King William the Third of England. And if the parliament of Great Britain shall, at, or before the expiring of the said seven years, substitute any other fund in place of the said two shillings and four pence of excise on the bushel of home salt, Scotland shall, after the said seven years, bear a proportion of the said fund, and have an equivalent in the terms, of this treaty: And that, during the said seven years, there shall be payed in England for all salt made in Scotland, and imported from thence into England, the same duties upon importation, as shall be payable for salt made in England, to be levied and secured in the same manner as the duties on foreign salt are to be levied and secured in England. And that, after the said seven years, how long the said duty of two shillings four pence a bushel upon salt is continued in England, the said two shillings four pence a bushel shall be payable for all salt made in Scotland, and imported into England, to be levied and secured in the same manner: And that, during the continuance of the duty of two shillings four pence a bushel upon salt made in England, no salt whatsoever be brought from Scotland to England by land in any manner, under the penalty of forfeiting the salt, and the cattle and carriages made use of in bringing the same, and paying twenty shillings for every bushel of such salt, and proportionally for a greater or lesser quantity; for which the carrier, as well as the owner, shall be lyable joyntly and severally, and the persons bringing or carrying the same to be imprisoned by any one justice of the peace by the space of six months without bail, and until the penalty be payed. And for establishing an equality in trade, that all fleshes exported from Scotland to England, and put on board in Scotland, to be exported to parts beyond the seas, and provisions for ships in Scotland, and for foreign voyages, may be salted with Scots

salt, paying the same duty for what salt is so employed, as the like quantity of such salt pays in England, and under the same penalties, forfeitures and provisions, for preventing of frauds, as are mentioned in the laws of England: And that, from and after the Union, the laws and acts of parliament in Scotland for pineing, curing and packing of herrings, white fish and salmond for exportation with foreign salt only, without any mixture of British or Irish salt, and for preventing of frauds in curing and packing of fish, be continued in force in Scotland, subject to such alterations as shall be made by the parliament of Great Britain; and that all fish exported from Scotland to parts beyond the seas, which shall be cured with foreign salt only, and without mixture of British or Irish salt, shall have the same eases, præmiums and drawbacks, as are or shall be allowed to such persons as export the like fish from England: And that, for encouragement of the herring fishing there shall be allowed and payed to the subjects inhabitants of Great Britain, during the present allowances for other fishes, ten shillings five pence sterling for every barrel of white herrings which shall be exported from Scotland; and that there shall be allowed five shillings sterling for every barrel of beef or pork salted with foreign salt, without mixture of British or Irish salt, and exported for sale from Scotland to parts beyond sea, alterable by the parliament of Great Britain. And if any matters or fraud relating to the said duties on salt shall hereafter appear which are not sufficiently provided against by this article, the same shall be subject to such further provisions as shall be thought fit by the parliament of Great Britain.

IX. That, whenever the sum of one million nine hundred ninety-seven thousand seven hundred and sixty-three pounds eight shillings and four pence halfpenny shall be enacted by the parliament of Great Britain, to be raised in that part of the United Kingdom now called England, on land and other things usually charged in acts of parliament there, for granting an aid to the crown by a land-tax, that part of the United Kingdom now called Scotland shall be charged by the same act, with a further sum of forty-eight thousand pounds free of all charges, as the quota of Scotland to such tax, and so proportionally for any greater or lesser sum raised in England by any tax on land, and other things as usually charged together with the land; and that such quota for Scotland in the cases aforesaid be raised and collected in the same manner as the cess now is in Scotland; but subject to such regulations in the manner of collecting as shall be made by the parliament of Great Britain.

X. That, during the continuance of the respective duties on stamp paper, vellum and parchment, by several acts now in force in England, Scotland shall not be charged with the same respective duties.

XI. That, during the continuance of the duties payable in England on windows and lights, which determines on the first day of August, 1710, Scotland shall not be charged with the same duties.

XII. That, during the continuance of the duties payable in England on coals, culm and cinders, which determines on the 30th day of September, 1710, Scotland shall not be charged therewith, for coals, culm and

APPENDIX. cinders consumed there, but shall be charged with the same duties as in England for all coal, culm and cinders, not consumed in Scotland.

XIII. That, during the continuance of the duty payable in England on malt, which determines the 24th day of June, 1707, Scotland shall not be charged with that duty.

XIV. That the kingdom of Scotland be not charged with any other duties laid on by the parliament of England before the Union, except those consented to in this treaty, in regard it is agreed that all necessary provision shall be made by the parliament of Scotland for the public charge and service of that kingdom, for the year 1707 ; provided, nevertheless, that, if the parliament of England shall think fit to lay any further impositions, by way of customs, or such excises, with which, by virtue of this treaty, Scotland is to be charged equally with England, in such case, Scotland shall be lyable to the same customs and excises, and have an equivalent to be settled by the parliament of Great Britain ; with this further provision, that any malt to be made and consumed in that part of the United Kingdom now called Scotland, shall not be charged with any imposition upon malt during this present war ; and seeing it cannot be supposed that the parliament of Great Britain will ever lay any sorts of burdens upon the United Kingdom but what they shall find of necessity at that time for the preservation and good of the whole, and with due regard to the circumstances and abilities of every part of the United Kingdom : Therefore it is agreed, that there be no further exemption insisted upon for any part of the United Kingdom, but that the consideration of any exemptions beyond what are already agreed on in this treaty, shall be left to the determination of the parliament of Great Britain.

XV. Whereas, by the terms of this treaty, the Subjects of Scotland, for preserving an equality of trade throughout the United Kingdom, will be liable to several customs and excises now payable in England, which will be applicable towards payment of the debts of England, contracted before the Union ; it is agreed, that Scotland shall have an equivalent for what the subjects thereof shall be so charged towards payment of the said debts of England in all particulars whatsoever, in manner following, viz. That before the Union of the said kingdoms, the sum of three hundred and ninety-eight thousand and eighty-five pounds ten shillings be granted to her majesty by the parliament of England for the uses after-mentioned, being the equivalent to be answered to Scotland, for such parts of the said customs and excises upon all exciseable liquors, with which that kingdom is to be charged upon the Union, as will be applicable to the payment of the said debts of England, according to the proportions which the present customs of Scotland, being thirty thousand pounds per annum, do bear to the customs in England, computed at one million three hundred forty-one thousand five hundred and fifty-nine pounds per annum, and which the present excises on exciseable liquors in Scotland, being thirty-three thousand and five hundred pounds per annum, do bear to the excises on exciseable liquors in England, computed at nine hundred forty-seven thousand six hundred

and two pounds per annum ; which sum of three hundred ninety-eight thousand eighty-five pounds ten shillings, shall be due and payable from the time of the Union : And in regard that, after the Union, Scotland becoming lyable to the same customs and duties payable on import and export, and to the same excises on all exciseable liquors as in England, as well upon that account, as upon the account of the increase of trade and people, (which will be the happy consequences of the Union,) the said revenues will much improve, beyond the before-mentioned annual values thereof, of which no present estimate can be made ; yet, nevertheless, for the reasons aforesaid, there ought to be a proportionable equivalent answered to Scotland, it is agreed that, after the Union, there shall be an account kept of the said duties arising in Scotland, to the end it may appear, what ought to be answered to Scotland, as an equivalent, for such proportion of the said increase, as shall be applicable to the payment of the debts of England : And for the further and more effectual answering the several ends hereafter-mentioned, it is agreed, that, from and after the Union, the whole increase of the revenues of customs and duties on import and export, and excise upon exciseable liquors in Scotland, over and above the annual produce of the said respective duties as above stated, shall go and be applied for the term of seven years, to the uses hereafter-mentioned ; and that upon the said account there shall be answered to Scotland annually, from the end of seven years after the Union, an equivalent, in proportion to such part of the said increase, as shall be applicable to the debts of England : And generally, that an equivalent shall be answered to Scotland, for such parts of the English debts, as Scotland may hereafter become lyable to pay, by reason of the Union, other than such, for which appropriations have been made by parliament of England, of the customs or other duties on export and import, excises on all exciseable liquors, in respect of which debts, equivalents are herein before provided : And as for the uses, to which the said sum of three hundred ninety-eight thousand eighty-five pounds ten shillings to be granted as aforesaid, and all other moneys which are to be answered or allowed to Scotland as said is, are to be applyed ; it is agreed, that in the first place, out of the foresaid sum, what consideration shall be found necessary to be had for any losses, which private persons may sustain, by reducing the coyn of Scotland to the standard and value of the coyn of England, may be made good : In the next place, that the capital stock or fund of the African and Indian company of Scotland advanced, together with the interest for the said capital stock after the rate of five per cent. per annum, from the respective times of the payment thereof, shall be payed ; upon payment of which capital stock and interest, it is agreed that the said company be dissolved and cease : And also that from the time of passing the act of parliament in England for raising the said sum of three hundred ninety-eight thousand eighty-five pounds ten shillings, the said company shall neither trade nor grant license to trade ; providing, that if the said stock and interest shall not be payed in twelve months after the commencement of the Union, that then the said company may from thenceforeward trade or give license to trade, until the said haill capital, stock and interest

APPENDIX. shall be payed: And as to the overplus of the said sum of three hundred ninety-eight thousand eighty-five pounds ten shillings, after payment of what considerations shall be had for losses in repairing the coyn, and paying the said capital stock and interest; and also the haill increase of the said revenues of customs, duties and excises above the present value, which shall arise in Scotland during the said term of seven years, together with the equivalent which shall become due upon the improvement thereof in Scotland after the said term; and also as to all other sums, which, according to the agreement aforesaid, may become payable to Scotland by way of equivalent, for what that kingdom shall hereafter become lyable towards payment of the debt of England, it is agreed, that the samen be applied in manner following, viz. That all the publick debts of the kingdom of Scotland, as shall be adjusted by this present parliament, shall be payed; and that two thousand pounds per annum, for the space of seven years, shall be applied towards encouraging and promoting the manufacture of coarse wool, within these shires which produce the wool, and that the first two thousand pounds sterling be payed at Martinmass next, and so yearly at Martinmass during the space aforesaid; and afterwards, the same shall be wholly applied towards encouraging and promoting the fisheries and such other manufactures and improvements in Scotland, as may most conduce to the general good of the United Kingdom. And it is agreed that her majesty be impowered to appoint commissioners who shall be accountable to the parliament of Great Britain for disposing the said sum of three hundred ninety-eight thousand eighty-five pounds ten shillings, and all other moneys which shall arise to Scotland upon the agreements aforesaid, to the purposes before-mentioned; which commissioners shall be impowered to call for, receive and dispose of the said moneys in manner aforesaid, and to inspect the books of the several collectors of the said revenues, and of all other duties from whence an equivalent may arise: and that the collectors and managers of the said revenues and duties be obliged to give to the said commissioners subscribed authentic abbreviates of the produce of such revenues and duties arising in their respective districts; and that the said commissioners shall have their office within the limits of Scotland, and shall in such office keep books containing accounts of the amount of the equivalents, and how the same shall have been disposed of, from time to time, which may be inspected by any of the subjects who shall desire the same.

XVI. That, from and after the Union, the coyn shall be of the same standart and value throughout the United Kingdom, as now in England, and a mint shall be continued in Scotland under the same rules as the mint in England; and the present officers of the mint continued, subject to such regulations and alterations as her majesty, her heirs or successors, or the parliament of Great Britain shall think fit.

XVII. That, from and after the Union, the same weights and measures shall be used throughout the United Kingdom, as are now established in England, and standarts of weights and measures shall be kept by those burrows in Scotland, to whom the keeping the standarts of weights and measures now in use there, does of special right belong; all which standarts shall be sent down to such respective burrows, from the

standarts kept in the exchequer at Westminster, subject, nevertheless, APPENDIX.
to such regulations as the parliament of Great Britain shall think fit.

XVIII. That the laws concerning regulation of trade, customs, and such excises to which Scotland is, by virtue of this treaty, to be lyable, be the same in Scotland from and after the Union as in England, and that all other laws, in use within the kingdom of Scotland, do, after the Union, and notwithstanding thereof, remain in the same force as before, (except such as are contrary to or inconsistent with this treaty,) but alterable by the parliament of Great Britain, with this difference betwixt the laws concerning public right, policy, and civil government, and those which concern private right, That the laws which concern publick right, policy, and civil government, may be made the same throughout the whole united kingdom, but that no alteration be made in laws which concern private right, except for evident utility of the subjects within Scotland.

XIX. That the court of session, or college of justice, do, after the Union, and notwithstanding thereof, remain in all time coming within Scotland, as it is now constituted by the laws of that kingdom, and with the same authority and privileges as before the Union; subject nevertheless to such regulations, for the better administration of justice, as shall be made by the parliament of Great Britain; and that hereafter none shall be named by her majesty, or her royal successors, to be ordinary lords of session, but such who have served in the college of justice as advocates or principal clerks of session for the space of five years, or as writers to the signet for the space of ten years, with this provision, That no writer to the signet be capable to be admitted a lord of the session, unless he undergo a private and publick tryal on the civil law, before the faculty of advocates, and be found by them qualified for the said office two years before he be named to be a lord of the session, yet so as the qualification made or to be made, for capacitating persons to be named ordinary lords of session, may be altered by the parliament of Great Britain. And that the court of justiciary do also, after the Union, and notwithstanding thereof, remain in all time coming within Scotland, as it is now constituted by the laws of that kingdom, and with the same authority and privileges as before the Union; subject nevertheless to such regulations as shall be made by the parliament of Great Britain, and without prejudice of other rights of justiciary: and that all admiralty jurisdictions be under the lord high admiral or commissioners for the admiralty of Great Britain for the time being; and that the court of admiralty now established in Scotland be continued; and that all reviews, reductions, or suspensions of the sentences in maritime cases, competent to the jurisdiction of that court, remain in the same manner after the Union as now in Scotland, until the parliament of Great Britain shall make such regulations and alterations as shall be judged expedient for the whole united kingdom; so as there be alwise continued in Scotland a court of admiralty, such as in England, for determination of all maritime cases relating to private rights in Scotland, competent to the jurisdiction of the admiralty court; subject nevertheless to such regulations and alterations as shall be thought proper to be made by the

APPENDIX. parliament of Great Britain; and that the heretable rights of admiralty and vice admiralties in Scotland be reserved to the respective proprietors, as rights of property; subject nevertheless, as to the manner of exercising such heretable rights, to such regulations and alterations as shall be thought proper to be made by the parliament of Great Britain: And that all other courts now in being within the kingdom of Scotland do remain, but subject to alterations by the parliament of Great Britain: And that all inferior courts within the said limits do remain subordinate as they are now to the supream courts of justice within the same in all time coming; and that no causes in Scotland be cognoscible by the court of chancery, queen's bench, common pleas, or any other court in Westminster hall; and that the said courts, or any other of the like nature, after the Union, shall have no power to cognosce, review, or alter the acts or sentences of the judicatures within Scotland, or stop the execution of the same; and that there be a court of exchequer in Scotland after the Union, for deciding questions concerning the revenues of customs and excises there, having the same power and authority in such cases as the court of exchequer has in England; and that the said court of exchequer in Scotland have power of passing signatures, gifts, tutories, and in other things as the court of exchequer at present in Scotland hath; and that the court of exchequer that now is in Scotland do remain, until a new court of exchequer be settled by the parliament of Great Britain in Scotland after the Union: And that after the Union, the queen's majesty and her royal successors may continue a privy council in Scotland, for preserving of publick peace and order, until the parliament of Great Britain shall think fit to alter it, or establish any other effectual method for that end.

XX. That all heretable offices, superiorities, heretable jurisdictions, offices for life, and jurisdictions for life, be reserved to the owners thereof, as rights of property, in the same manner as they are now enjoyed by the laws of Scotland, notwithstanding of this treaty.

XXI. That the rights and privileges of the royal burrows in Scotland, as they now are, do remain intire after the Union, and notwithstanding thereof.

XXII. That by virtue of this treaty of the peers of Scotland at the time of the Union, sixteen shall be the number to sit and vote in the house of lords, and forty-five the number of the representatives of Scotland in the house of commons of the parliament of Great Britain; and that when her majesty, her heirs or successors, shall declare her or their pleasure for holding the first or any subsequent parliament of Great Britain, until the parliament of Great Britain shall make further provision therein, a writ do issue under the Great Seal of the United Kingdom, directed to the privy council of Scotland, commanding them to cause sixteen peers who are to sit in the house of lords, to be summoned to parliament, and forty-five members to be elected to sit in the house of commons of the parliament of Great Britain, according to the agreement in this treaty, in such manner as by a subsequent act of this present session of the parliament of Scotland shall be settled; which act is hereby declared to be as valid as if it were a part of and ingrossed in this treaty; and

that the names of the persons so summoned and elected shall be returned by the privy council of Scotland into the court from whence the said write did issue; and that, if her majesty, on or before the first day of May next, on which day the Union is to take place, shall declare under the Great Seal of England, that it is expedient that the lords of parliament of England, and commons of the present parliament of England, should be the members of the respective houses of the first parliament of Great Britain, for and on the part of England, then the said lords of parliament of England, and commons of the present parliament of England, shall be the members of the respective houses of the first parliament of Great Britain, for and on the part of England: And her majesty may, by her royal proclamation under the Great Seal of Great Britain, appoint the said first parliament of Great Britain to meet at such time and place as her majesty shall think fit; which time shall not be less than fifty days after the date of such proclamation; and the time and place of meeting of such parliament being so appointed, a write shall be immediately issued under the Great Seal of Great Britain, directed to the privy council of Scotland for the summoning the sixteen peers, and for electing forty-five members, by whom Scotland is to be represented in the parliament of Great Britain; and the lords of parliament of England, and the sixteen peers of Scotland, such sixteen peers being summoned and returned in the manner agreed in this treaty; and the members of the house of commons of the said parliament of England, and the forty-five members for Scotland, such forty-five members being elected and returned in the manner agreed in this treaty, shall assemble and meet respectively in their respective houses of the parliament of Great Britain, at such time and place as shall be so appointed by her majesty, and shall be the two houses of the first parliament of Great Britain: And that parliament may continue for such time only as the present parliament of England might have continued, if the Union of the two kingdoms had not been made, unless sooner dissolved by her majesty. And that every one of the lords of parliament of Great Britain, and every member of the house of commons of the parliament of Great Britain, in the first and all succeeding parliaments of Great Britain, until the parliament of Great Britain shall otherways direct, shall take the respective oaths appointed to be taken in stead of the oaths of allegiance and supremacy, by an act of parliament made in England, in the first year of the reign of the late King William and Queen Mary, intituled, *An act for the abrogating of the oaths of supremacy and allegiance, and appointing other oaths*; and make, subscribe, and audibly repeat the declaration mentioned in an act of parliament made in England, in the thirtieth year of the reign of King Charles the Second, intituled, *An act for the more effectual preserving the king's person and government, by disabling papists from sitting in either house of parliament*; and shall take and subscribe the oath mentioned in an act of parliament made in England in the first year of her majesties reign, intituled, *An act to declare the alterations in the oath appointed to be taken, by the act, intituled, An act for the further security of his majesties person and the succession of the crown in the protestant line, and for extin-*

APPENDIX. *guishing the hopes of the pretended prince of Wales, and all other pretend-
ers, and their open and secret abettors, and for declaring the association to
be determined: At such time, and in such manner as the members of
both houses of parliament of England are by the said respective acts di-
rected to take, make, and subscribe the same, upon the penalties and dis-
abilities contained in the said respective acts contained. And it is de-
clared and agreed, that these words, This realm, the crown of this realm,
and the queen of this realm, mentioned in the oaths and declaration con-
tained in the aforesaid acts, which were intended to signify the crown
and realm of England, shall be understood of the crown and realm of
Great Britain; and that, in that sense, the said oaths and declaration be
taken and subscribed by the members of both houses of the parliament
of Great Britain.*

XXIII. That the foresaid sixteen peers of Scotland, mentioned in the last preceding article, to sit in the house of Lords of the parliament of Great Britain, shall have all privileges of parliament which the peers of England now have, and which they, or any peers of Great Britain shall have after the Union; and particularly the right of sitting upon the tryals of peers: And in case of the tryal of any peer in time of adjournment or prorogation of parliament, the said sixteen peers shall be summoned in the same manner, and have the same powers and privileges at such tryal, as any other peers of Great Britain. And that in case any tryals of peers shall hereafter happen, when there is no parliament in being, the sixteen peers of Scotland, who sate in the last preceding parliament, shall be summoned in the same manner, and have the same powers and privileges at such tryals, as any other peers of Great Britain. And that all peers of Scotland, and their successors to their honours and dignities, shall, from and after the Union, be peers of Great Britain, and have rank and precedency next and immediately after the peers of the like orders and degrees in England, at the time of the Union, and before all peers of Great Britain of the like orders and degrees, who may be created after the Union, and shall be tryed as peers of Great Britain, and shall enjoy all privileges of peers as fully as the peers of England do now, or as they, or any other peers of Great Britain may hereafter enjoy the same, except the right and privilege of sitting in the house of lords, and the privileges depending thereon, and particularly the right of sitting upon the tryals of peers.

XXIV. That, from and after the Union, there be one Great Seal for the United Kingdom of Great Britain, which shall be different from the Great Seal now used in either kingdom; and that the quartering the arms and the rank and precedency of the lyon king of arms of the kingdom of Scotland, as may best suit the Union, be left to her majesty; and that in the mean time the Great Seal of England be used as the Great Seal of the United Kingdom, and that the Great Seal of the United Kingdom be used for sealing writs to elect and summon the parliament of Great Britain, and for sealing all treaties with foreign princes and states, and all public acts, instruments, and orders of state which concern the whole United Kingdom, and in all other matters relating to England, as the Great Seal of England, is now used; and that a Seal in

Scotland, after the Union, be always kept and made use of in all things relating to private rights or grants, which have usually passed the Great Seal of Scotland, and which only concern offices, grants, commissions, and private rights within that kingdom ; and that until such seal shall be appointed by her majesty, the present Great Seal of Scotland shall be used for such purposes ; and that the privy seal, signet, casset, signet of the justiciary court, quarter seal, and seals of courts now used in Scotland, be continued ; but that the said seals be altered and adapted to the state of the Union as her majesty shall think fit : And the said seals, and all of them, and the keepers of them, shall be subject to such regulations as the parliament of Great Britain shall hereafter make : And that the crown, scepter, and sword of state, the records of parliament, and all other records, rolls, and registers whatsoever, both public and private, general and particular, and warrants thereof, continue to be kept as they are within that part of the United Kingdom now called Scotland, and that they shall so remain in all time coming, notwithstanding of the Union.

XXV. That all laws and statutes in either kingdom, so far as they are contrary to, or inconsistent with the terms of these articles, or any one of them, shall, from and after the Union, cease and become void, and shall be so declared to be by the respective parliaments of the said kingdoms.

Follows the tenor of the foresaid ACT for securing the Protestant Religion and Presbyterian Church Government.

OUR SOVEREIGN LADY and the estates of parliament, considering, That by the late act of parliament for a treaty with England, for an Union of both kingdoms, it is provided, That the commissioners for that treaty, should not treat of or concerning any alteration of the worship, discipline, and government of the church of this kingdom, as now by law established ; which treaty being now reported to the parliament, and it being reasonable and necessary, that the true Protestant religion, as presently professed within this kingdom, with the worship, discipline and government of this church, should be effectually and unalterably secured ; Therefore her majesty, with advice and consent of the said estates of parliament, doth hereby establish and confirm the said true Protestant religion, and the worship, discipline, and government of this church, to continue without any alteration to the people of this land in all succeeding generations ; and more especially, her majesty, with advice and consent foresaid, ratifies, approves, and for ever confirms the fifth act of the first parliament of King William and Queen Mary, intituled, *Act ratifying the Confession of Faith, and settling Presbyterian church government*, with the haill other acts of parliament relating thereto, in prosecution of the declaration of the estate of this kingdom, containing the claim of right, bearing date the 11th of April 1689 ; and her majesty, with advice and consent foresaid, expressly provides and declares, That the foresaid true Protestant religion contained in the above-mentioned Confession of Faith, with the form and purity of wor-

APPENDIX. ship presently in use within this church, and its Presbyterian church government and discipline, that is to say, the government of the church by kirk sessions, presbyteries, provincial synods and general assemblies, all established by the foresaid acts of parliament, pursuant to the claim of right, shall remain and continue unalterable; and that the said Presbyterian government shall be the only government of the church within the kingdom of Scotland. And further, for the greater security of the foresaid Protestant religion, and of the worship, discipline, and government of this church as above established, her majesty, with advice and consent foresaid, statutes and ordains, that the universities and colleges of St. Andrews, Glasgow, Aberdeen, and Edinburgh, as now established by law, shall continue within this kingdom for ever. And that, in all time coming, no professors, principals, regents, masters, or others bearing office in any university, college, or school within this kingdom be capable, or be admitted or allowed to continue in the exercise of their said functions, but such as shall owne and acknowledge the civil government in manner prescribed or to be prescribed by the acts of parliament. As also, That before or at their admissions, they do and shall acknowledge and profess, and shall subscribe to the foresaid Confession of Faith, as the Confession of their Faith; and that they will practise and conform themselves to the worship presently in use in this church, and submit themselves to the government and discipline thereof, and never endeavour, directly or indirectly, the prejudice or subversion of the same; and that before the respective presbyteries of their bounds, by whatsoever gift, presentation, or provision they may be thereto provided. And further, her majesty, with advice foresaid, expressly declares and statutes, That none of the subjects of this kingdom shall be lyable to, but all and every one of them for ever free of any oath, test, or subscription within this kingdom, contrary to, or inconsistent with the foresaid true Protestant religion and Presbyterian church government, worship, and discipline, as above established: And that the same, within the bounds of this church and kingdom, shall never be imposed upon, or required of them in any sort. And lastly, That after the decease of her present majesty, (whom God long preserve) the sovereign succeeding to her in the royal government of the kingdom of Great Britain, shall, in all time coming, at his or her accession to the crown, swear and subscribe, that they shall inviolably maintain and preserve the foresaid settlement of the true Protestant religion, with the government, worship, discipline, right and privileges of this church, as above established by the laws of this kingdom, in prosecution of the claim of right. And it is hereby statute and ordained, that this act of parliament, with the establishment therein contained, shall be held and observed in all time coming, as a fundamental and essential condition of any treaty or union to be concluded betwixt the two kingdoms, without any alteration thereof, or derogation thereto, in any sort for ever. As also, that this act of Parliament, and settlement therein contained, shall be insert and repeated in any act of parliament that shall pass, for agreeing and concluding the foresaid treaty or union betwixt the two kingdoms; and that the samen shall be therein expressly declared to be

a fundamental and essential condition of the said treaty or union in all time coming. WHICH ARTICLES OF UNION, and act immediately above written, her majesty, with advice and consent foresaid, statutes, enacts, and ordains to be, and continue in all time coming, the sure and perpetual foundation of an compleat and entire union of the two kingdoms of Scotland and England, under this express condition and provision, That the approbation and ratification of the foresaid articles and act shall be no ways binding on this kingdom, until the said articles and act be ratified, approven and confirmed by her majesty, with and by the authority of the parliament of England, as they are now agreed to, approven and confirmed by her majesty, with and by the authority of the parliament of Scotland. Declaring, nevertheless, That the parliament of England may provide for the security of the church of England as they think expedient, to take place within the bounds of the said kingdom of England, and not derogating from the security above provided, for establishing of the church of Scotland within the bounds of this kingdom. As also, the said parliament of England may extend the additions, and other provisions contained in the articles of Union, as above insert, in favours of the subjects of Scotland, to, and in favours of the subjects of England, which shall not suspend or derogate from the force and effect of this present ratification, but shall be understood as herein included, without the necessity of any new ratification in the parliament of Scotland. And lastly, Her majesty enacts and declares, That all laws and statutes in this kingdom, so far as they are contrary to, or inconsistent with the terms of these articles as above mentioned, shall, from and after the Union, cease and become void.

No. III.

Scottish Coinage.

THE most ancient Scottish money that has yet been found is the silver penny of William the Lion ; and from this time, to that of David II. no higher denomination of money was coined. David II. coined *groats*, *half-groats*, *pennies*, and *half-pennies*, in silver, and these various denominations continued till the death of James V. ; but of different degrees of weight and fineness. Mary coined royals of xxx, xx, and x shillings, generally known by the name of the Crookstone dollar ; the xxx shilling piece, weighing 472 grains, is nearly the same as our present crown piece, (not the new coinage) the others in proportion. James VI. coined money the same as the last reign, also *merks*, *half-merks*, *quarter-merks*, and *half-quarter merks*, *nobles*, and *half-nobles*. About 1600, Scottish money was depreciated to one-twelfth of sterling money ; at this value it has continued ever since. The coins of Charles I. were nearly the same as those of his father. After the Restoration, Charles II. coined a *four merk* piece, *two merk*, *merk*, and *half-merk* ; and a dollar, 56 shilling value, a *half-dollar*, *quarter-dollar*, *half-quarter*, and a

APPENDIX. 16th of a *dollar*, value three shillings and sixpence. The coins of Charles II. are milled money, and finely executed. James VII. coined 40 and 10 shilling pieces. William and Mary coined 60, 40, 20, 10, and 5 shilling pieces. Those of King William were the same. Queen Anne coined only two sorts, a 10 and 5 shilling piece.

It is generally allowed that there was no gold coined in Scotland before Robert II's reign, about 1371, who coined three different pieces, known by the name of St. Andrew's. James II. coined *lyons* and *half-lyons*, weight, 52 grains. James III. *unicorns* and *half-unicorns*, weight, 58 grains. James IV. *ryders*, from the king's figure on horseback, being the impression. James V. the *bonnet* pieces, from a figure of the king with a bonnet, being the impression; these are esteemed the finest workmanship of any European coin of that age—this coin was minted from native gold, found on Crawford Moor. Mary, a considerable variety, the principal being *lyons*, weight, 35 grains, *testoons* 117, and *half-testoons*. James VI. great variety, *ryders*, 77 and 78 grains; *angels*, $78\frac{1}{2}$ grains; *half-angels*, *jacobus's*. During these two last reigns the currency was much deteriorated by the increase of alloy. Charles I.—his coinage similar to his father's. Neither Charles II. nor James VII. coined any gold in Scotland. William III. some *pistoles* and *half-pistoles*, called Darien pistoles, the gold being imported by that company.

The several denominations of money before the Union in Scotland, such as were current, were as follows:

The Foreign Silver Coin was such as,

The ducatoon of several coins, which passed at 6s. 2d. They had passed at 5s. 10d. but were raised by an act of council to 6s. 2d.; which caused great quantities to be brought in.

The dollar, of several coins, went formerly at 4s. 8d.; were raised up to 4s. 10d. each; and four sorts, viz. the bank dollar, the wild horse, the castle, and the wild man dollars, were, by the same act of council, raised to crowns.

The French crown had formerly passed for 56d., but was also raised to 58d.

The French quarter pieces, which passed for 3d. each.

English Coin.

Broad gold of England generally passed, *Jacobus* at 27s. and *Carolus* at 25s.

The guineas, gold, passed at the Revolution at 22s. each, but were raised without any public authority or rule, only by the circumstances of trade, to 23s. 8d. This was the reason why, when the coin was called in, and the price of this was reduced, the government made no allowance on the gold.

The English silver coin passed by an act of council at one penny per shilling advance.

Domestic Coin.

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Old crowns of King James's and Queen Mary's which passed for crowns, but very few of them were to be seen.

Old mark pieces, called old fourteens.

New mark pieces, called also fourteens, the last coined in Charles I. and Charles II. with doubles of the last, called also marks, after raised to half dollars, and four marks raised also in proportion, with half pieces at sevenpence, and quarters at threepence half-penny.

New milled money of King William's coin of several values:—as crowns and half-crowns; forty pence, twenty pence, ten pence, and five pence pieces

There was, at this time, no Scots gold coin current, or to be seen, except a few preserved for antiquity.

There were several species of Scots money that had been current, and of which several remainders were to be found; but the quantities were so small that they cannot be placed among the current coin.

Copper Coin.

The bodle, or turner, six of which go to a penny.

The halfpenny, or baubee, two to a penny.

The Irish halfpenny and French doits had passed, but were cried down by act of council.

A State of the Public Revenue of Scotland, as given in at the Union, with its probable amount, if fairly collected.

	<i>L.</i>	<i>s.</i>	<i>d.</i>
The excise on ale and bear, 2s. sterling per Scotch gallon, farmed for L.33,500 sterling, and if executed in the same manner as in England, may amount to	50,000	0	0
The customs have been let at L.34,000, and in time of war let for L.28,500, with a condition in the lease, that upon a peace, the Lords of the Treasury may let a new lease, may amount to	50,000	0	0
The crown rents about	5,500	0	0
The casualty of superiorities and composition of the Exchequer, <i>communibus annis</i> , about	3,000	0	0
The post-office, farmed at L.1194, but, if collected, may amount to	2,000	0	0
The impositions of coinage,	1,500	0	0
Land-tax L.36,000, and, to make it equal with the 4s. per pound in England, it is proposed to be	48,000	0	0
	L.160,000	0	0
The debts due to the army, civil list, and other charges of government, about	L.160,000	0	0
Sum total of the English revenues were stated at	5,691,803	3	4½
Sum total of the English debts at this period,	17,763,842	17	3½

APPENDIX.

An Account of the Distribution of Secret Service Money in Scotland for Promoting the Union.

To the Earl of Marchmont,	L.1104	15	7
To the Earl of Cromarty,	300	0	0
To the Lord Prestonhall,	200	0	0
To the Lord Ormiston, Justice-clerk,	200	0	0
To the Duke of Montrose,	200	0	0
To the Duke of Athol,	1000	0	0
To the Earl of Balcarras,	500	0	0
To the Earl of Dunmoor,	200	0	0
To the Lord Anstruther,	300	0	0
To Mr. Stewart of Castle-Stewart,	300	0	0
To the Earl of Eglinton,	200	0	0
To the Lord Fraser,	100	0	0
To the Lord Cessnock, now Polwarth,	50	0	0
To Mr. John Campbell,	200	0	0
To the Earl of Forfar,	100	0	0
To Sir Kenneth M'Kenzie,	100	0	0
To the Earl of Glencairn,	100	0	0
To the Earl of Kintore,	200	0	0
To the Earl of Findlater,	100	0	0
To John Muir, Provost of Ayr,	100	0	0
To the Lord Forbes,	50	0	0
To the Earl of Seafield, Lord Chancellor,	490	0	0
To the Marquis of Tweeddale,	1000	0	0
To the Duke of Roxburgh,	500	0	0
To the Lord Elibank,	50	0	0
To the Lord Banff,	11	2	0
To Major Cunningham of Eckatt,	100	0	0
To the Messenger that brought down a Treaty of Union,	60	0	0
To Sir William Sharp,	300	0	0
To Patrick Coultrain, Provost of Wigton,	25	0	0
To Mr. Alexander Wedderburn,	75	0	0
To the Commissioner, for equipage and daily allowance,	12,325	0	0
	L.20,540	17	7

END OF VOLUME V.

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